

Independent Medical Examinations

Mental and Behavioral IME Evaluations

OIC and BWC administer the Workers' Compensation System of Ohio

The Ohio Workers' Compensation System has provided injured workers with medical care and financial compensation for work related injuries, disease, and deaths since 1913.

The Bureau of Workers' Compensation

The Bureau of Workers' Compensation (BWC) is the medical administrator of the system. BWC collects employer premiums, manages claims, and pays injured workers and providers for compensable claims.

The Industrial Commission of Ohio

The Industrial Commission of Ohio (OIC) is the adjudicatory branch of the Ohio Workers' Compensation System.

The Industrial Commission of Ohio

OIC determines eligibility for Injured Worker
Permanent Total Disability (PTD) benefits.

The PTD Independent Medical Exam

When an Injured Worker (IW) applies for Permanent Total Disability, the OIC requests an Independent Medical Exam to evaluate impairments resulting from the allowed conditions in the claim.

The PTD Independent Medical Exam

The purpose of the requested OIC exam is to determine the extent of **impairment** resulting from the **allowed** (work-related) psychological conditions to assist OIC in consideration of the PTD application.

The PTD Independent Medical Exam

The IME provides an opinion to three questions:

1. Has maximal medical improvement been reached?
2. If so, what is the estimated percentage of impairment due to the allowed conditions?
3. What are the mental limitations resulting from the allowed conditions?

Definitions

Impairment

Disability

Maximal Medical Improvement

Impairment

As stated by the Ohio Supreme Court, impairment is “the amount of the injured worker’s anatomical and/or mental loss of function caused by the allowed condition.”

Impairment

An impairment rating is a **medical opinion** given by mental health and/or medical professionals to assist in the determination of disability.

Disability

The Ohio Supreme Court states disability is “the effect the impairment has on the injured worker’s ability to work” (based on the allowed conditions of the claim).

Disability

Disability is a **legal** determination and is made **only by the Court or Hearing Officers** - they consider the Stephenson Disability Factors (age, education, previous training, and work experience).

Maximal Medical Improvement

MMI is a treatment plateau (static or well-stabilized) where **no fundamental, functional or physiologic change** can be expected within reasonable probability, in spite of continuing medical or rehabilitative procedures. The injured worker may need supportive treatment to main this level of function.

Maximal Medical Improvement

The injured worker is almost always MMI at the time of the PTD examination. For the injured worker to be considered **not MMI**, there must be **new and changed circumstances** where there is a temporary worsening of an allowed condition.

Maximal Medical Improvement

Another non-MMI circumstance would include a psychological condition that is allowed to the claim shortly before the PTD exam in which there has been inadequate time to treat the newly allowed condition.

Maximal Medical Improvement

An opinion on injured worker MMI must be based on **current treatment of the allowed conditions** - ***and not*** based on speculation of future treatment which has not been performed, approved or requested.

Mental / Behavioral IME

The examiner is an independent contractor

There is no doctor-patient relationship

The injured worker is not a “patient”

Single exam fee-for-service commitment

Mental / Behavioral IME

Introduce yourself

Explain the purpose of the OIC Exam

Be professional and respectful

Be fair, objective and impartial

Mental / Behavioral IME

Reassure the injured worker that you intend no harm during the exam process. Evaluate the IW and report your objective exam measurements, findings, observations and test interpretations.

Mental / Behavioral IME

The independent examiner must be **impartial**:
Hold no bias or contractual relationship with the
injured worker, the employer, or their legal
representatives.

Mental / Behavioral IME

The independent examiner must be **impartial**:
The IME specialist may have no previous evaluations or treatments with the IW; no previous file reviews or IME exams for the IW, employer, or BWC/OIC.

Mental / Behavioral IME

Communication with the IW or their representative regarding the IME evaluation is conducted **only** through OIC Medical Services.

Mental / Behavioral IME

Psychological testing is not required, however, there is authorization for testing (MMPI, RBANS, etc.)
There is no authorization for injured worker treatment.

Mental / Behavioral IME

NPT 1	1 hour neuropsychological testing
NPT 2	2 hours neuropsychological testing
NPT 3	3 hours neuropsychological testing
NPT 4	4 hours neuropsychological testing

Mental / Behavioral IME

Refrain from giving advice or opinions to the injured worker regarding previous, current or future treatment.

Mental / Behavioral IME

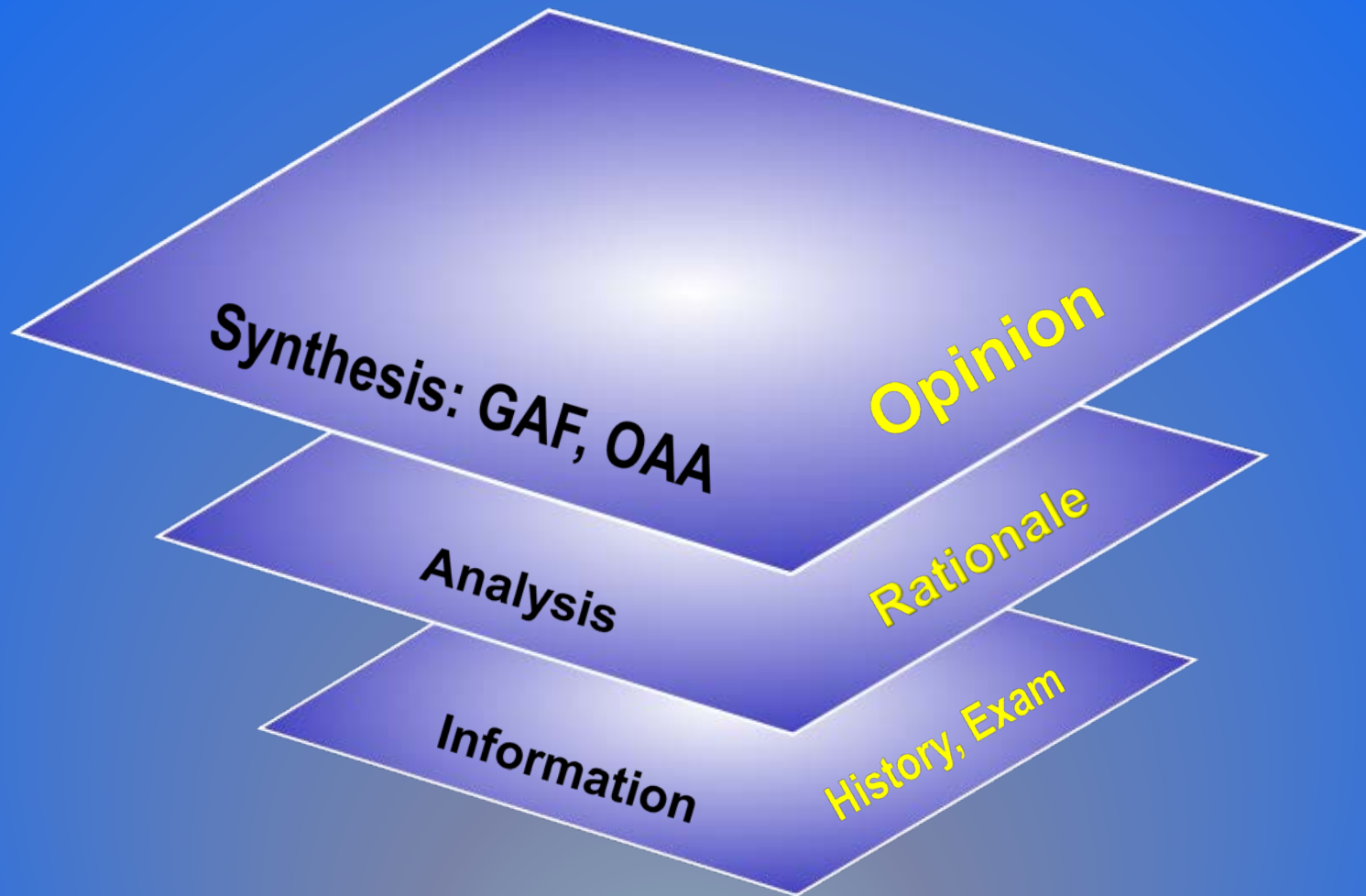
Use a chaperone when prudent.

Name persons that accompany the IW during the IME.

Legal representatives of the injured worker **may not** be present during the IME.

The IME Report

Elements of the Mental and Behavioral IME Report



The IME Report

Behavioral/Activities of Daily Living (ADL) history

Physical/psychological exam findings, observations

Analysis: examiner assessment and rationale

Synthesis (opinions): GAF, %(Impairment), OAA

The IME Report

Accept the allowed conditions.

Allowed conditions are the legal basis of the claim.
Never challenge or deny the validity of the allowed
conditions in the claim.

The IME Report

Accept the allowed conditions.

Denial (explicit or implicit) of the allowed conditions disqualifies the IME evidence and opinion at OIC Hearing or in Court.

The IME Report

Accept the allowed conditions.

On the date of exam, if psychological impairment is negligible resulting from the allowed condition(s), the examiner should report zero (**0%**) impairment for the allowed condition(s).

The IME Report

Use the *Guides to the Evaluation of Permanent Impairment, 5th Edition*, (AMA Press). For Mental and Behavioral Health, the *Guides 2nd Edition*, is used for rating Whole Person Impairment (WPI)%.

The IME Report

Use the GAF in the report. Provide impairment ratings in each of the four functional areas, then estimate the Whole Person Impairment Percent (WPI%). For methodology, refer to Page 70 of the Medical Examination Manual (2014).

Classes of Impairment	Class 1 No	Class 2 Mild	Class 3 Moderate	Class 4 Marked	Class 5 Extreme
Description of Impairment Severity	No Impairment is noted	Impairment levels are compatible with most useful functioning	Impairment levels are compatible with some, but not all, useful functioning	Impairment levels significantly impede useful functioning	Impairment levels preclude useful functioning
Area/Aspect of Functioning					
Activities of Daily Living					
Social Function					
Concentration					
Adaptation					
GAF Value	81-100	61-80	51-60	31-50	1-30
Whole Person Impairment % Guides 2nd Edition	0-5%	10-20%	25-50%	55-75%	>75%

The IME Report

Use DSM-IV.

The DSM-IV should include allowed psychological conditions (Medical diagnoses can be deferred).
Do not use ICD-9/ICD-10 codes in your report.

The IME Report

Opinions are based solely on the allowed psychological impairments arising from the allowed condition(s) in the claim. Do not consider mental health disorders outside the work claim.

The IME Report

Provide opinions to the three questions.

Support opinions with exam detail and rationale.
Opinions are based on the best judgment, experience
and expertise of the examiner.

The IME Report

Provide opinions to the three questions:

Do not opine upon disability

Do not opine upon future treatment

Do not opine upon future impairment

The IME Report

Provide an Occupational Activities Assessment.

Considering impairments **only** from allowed conditions, can the injured worker return to **any** work activity? Do not opine upon Return-To-Work (RTW) to the injured worker's previous job activity.

The IME Report

Good History and exam detail: a **Valid Report** ✓

Thorough discussion of rationale: a **Credible Report** ✓

%WPI, OAA opinions based on exam and rationale:
(for Hearing Officers) a **Decidable Report** ✓

IME Report Review

Complete your report within 10 business days following examination of the injured worker.

Upload the report to Industrial Commission of Ohio Network (ICON).

IME Report Review

The initial IME report is considered a **draft** until it is **published** by OIC Medical Services. The IME report is reviewed for errors, consistency, calculations, and complete answers to the three questions and OAA.

IME Report Review

During report review, OIC Medical Services staff may contact you to correct items (omissions, typographic errors, date corrections, clarification of calculations, consistency, etc.) and ask you to make modifications.

IME Report Review

Remember that the Mental/Behavioral IME report is a complex **medicolegal** document. Some words have incompatible medical and legal meanings – please avoid using these words in reports.

IME Report Review

resolved (medical): return to baseline function

resolved (legal): allowed condition no longer exists

Avoid the use of “resolved” in IME reports.

IME Report Review

Once report errors are corrected, the IME report is published and forwarded to the OIC Hearing Officer and to legal representatives for the PTD Hearing.

IME Report Review

After the PTD hearing, additional information and questions regarding the IME report may be requested to elaborate upon the examination, rationale, or opinions concerning impairment/work limitations.

IME Report Review

Additional IME information requests include:

Addendums (occasional)

Interrogatories (rare)

Depositions (rare)

IME Report Review

Provide **your** opinion.

Do not judge or contest allowances, the injured worker, employers, providers, attorneys or other institutions involved with the claim.

OIC Medical Services

The fee schedule is tiered and based on the type of examination, and the number of anatomical regions and/or organ systems (which may encompass allowed conditions from multiple work claims).

OIC Medical Services

Following application to the OIC panel, a new examiner has provisional status. After **one year**, if the OIC has need for the specialist's service, then the examiner will be advanced to active status.

OIC Medical Services

The OIC examiner will be required to apply for reappointment every five years. Eight hours of Continuing Medical Education (CME) pertinent to specialty and impairment evaluation are required to remain active on the OIC examiner panel.

OIC Medical Services

Use ICON as an online resource to access:

Specialist Examiner Training
Medical Examination Manual
Report Submission
MediScenes

OIC Medical Services

Refer to the OIC newsletter, *MediScenes*, for updates, *Guides 5th Edition* advice and CME Case Presentations.

Contact OIC Medical Services if you have questions, need more information or need guidance on an exam.