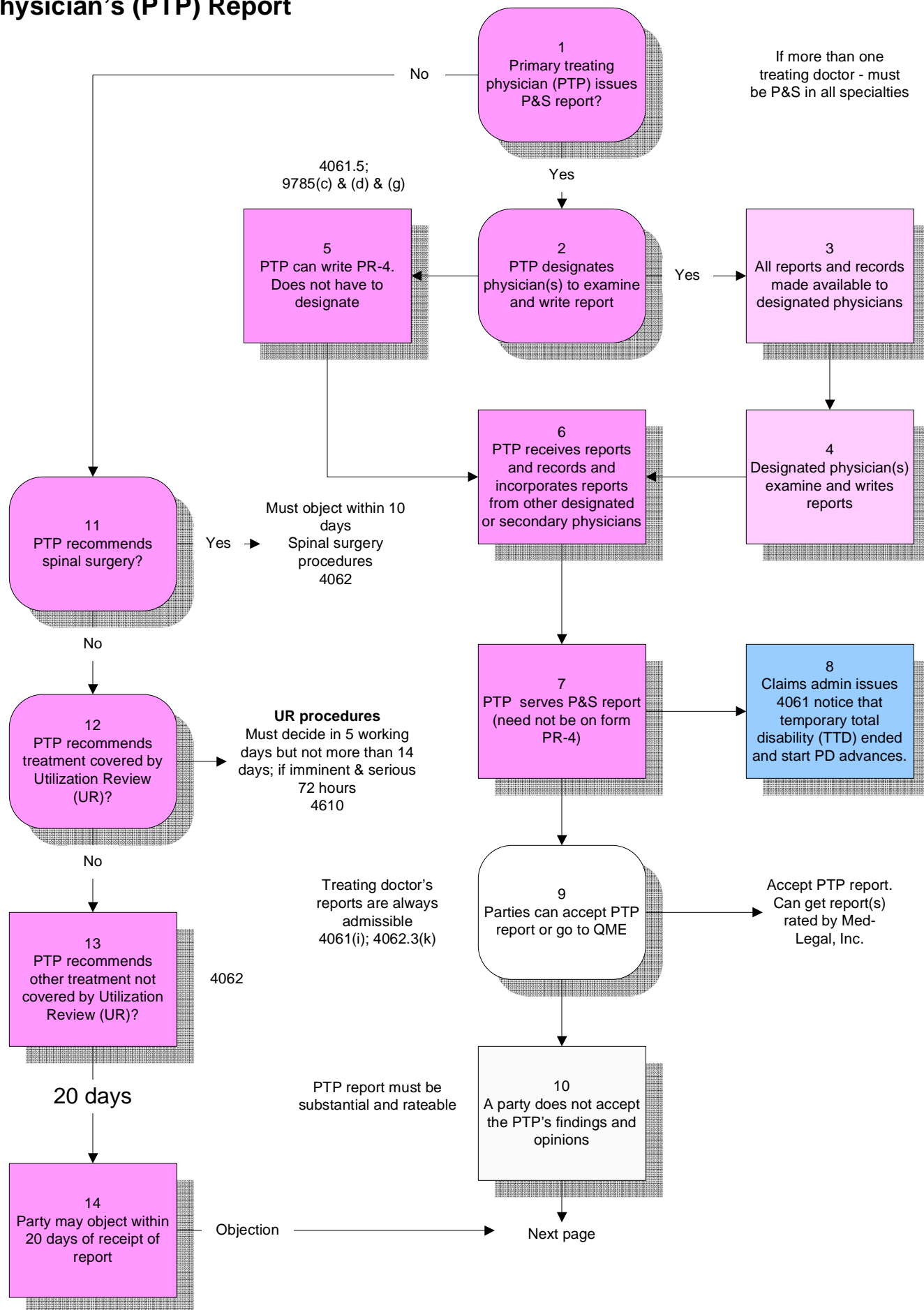


Primary Treating Physician's (PTP) Report

Represented



QME requesting a QME panel

Represented

Can accept treating physician's report but, if not accepted, then these procedures apply 4061(c)

1
All parties can accept PTP report as to all issues but if a party disputes the PTP report then...

PTP report not accepted

Letter must dispute treating physician's report and propose at least one AME 4062.2(b)

2
Send AME/dispute letter

There is no time limit to send this letter. The objection limit of 20 days is when there is a dispute as to treatment.

Wait 10 calendar days

If a tie see R 31.1(a)

Send form QME106 by first class mail (no fax or delivery) to Medical Unit. 30(b) & (g) First party to request gets to name specialty. 30.5

3
Request panel
If no agreement as to AME - request QME panel from Medical Unit (MU) Serve parties.

If requested specialty differs from treating physician must supply supporting documentation. R 31.1(b)

For example, can be a chiro or pain management specialty

Must advise MU of other parties preference for specialty if known

DWC - Medical Unit
1515 Clay Street, 18th floor
Oakland CA 94612

30 days

Must attach a copy of the AME/dispute letter 30(b)

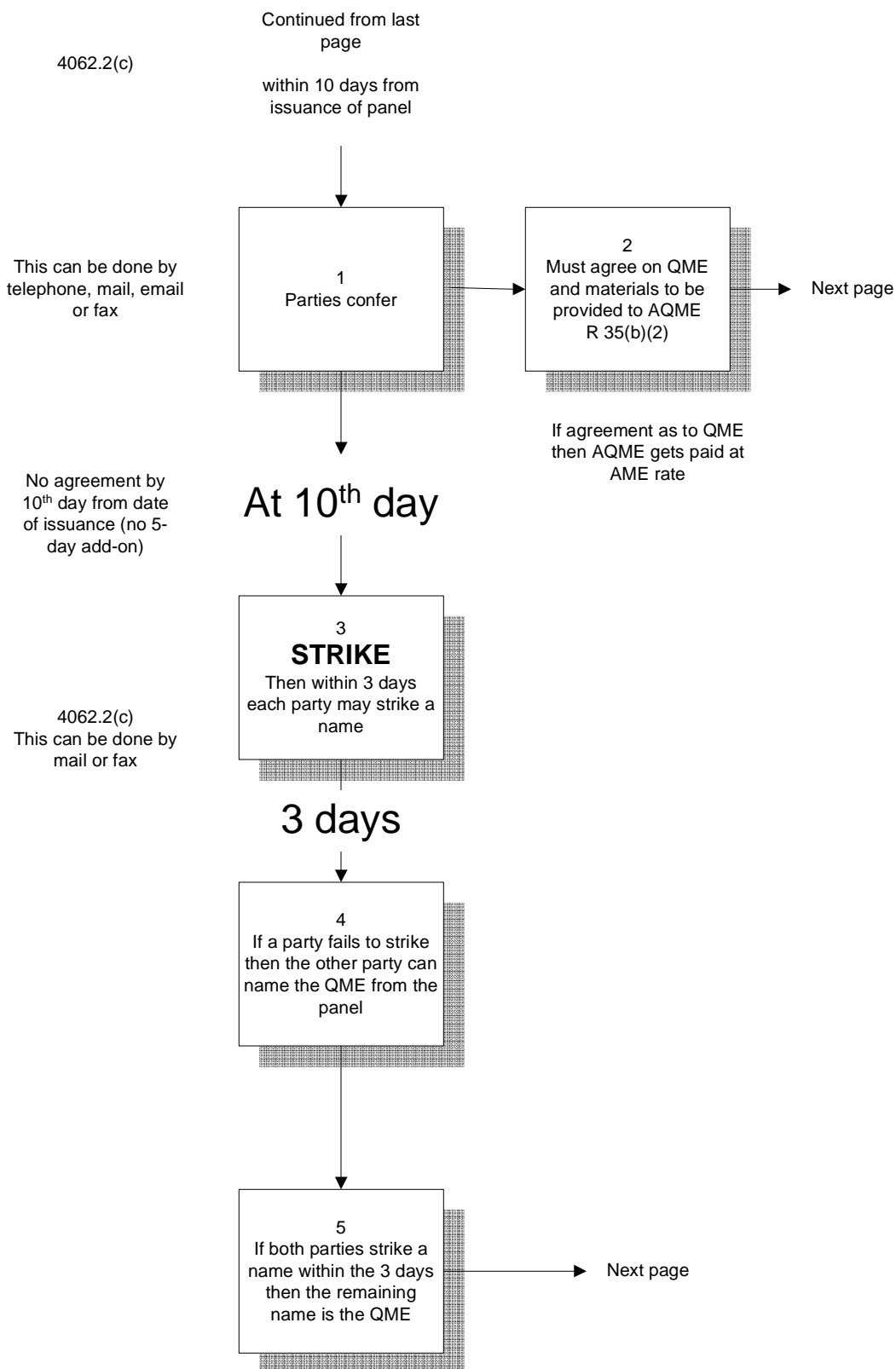
Treating physician cannot be on the panel Reg 31(c) and 31.5(a)(7)

4
Panel Issued
Panel of three names is issued by Medical Unit

If panel not issued in 30 days can seek order from WCJ 31.1(c)

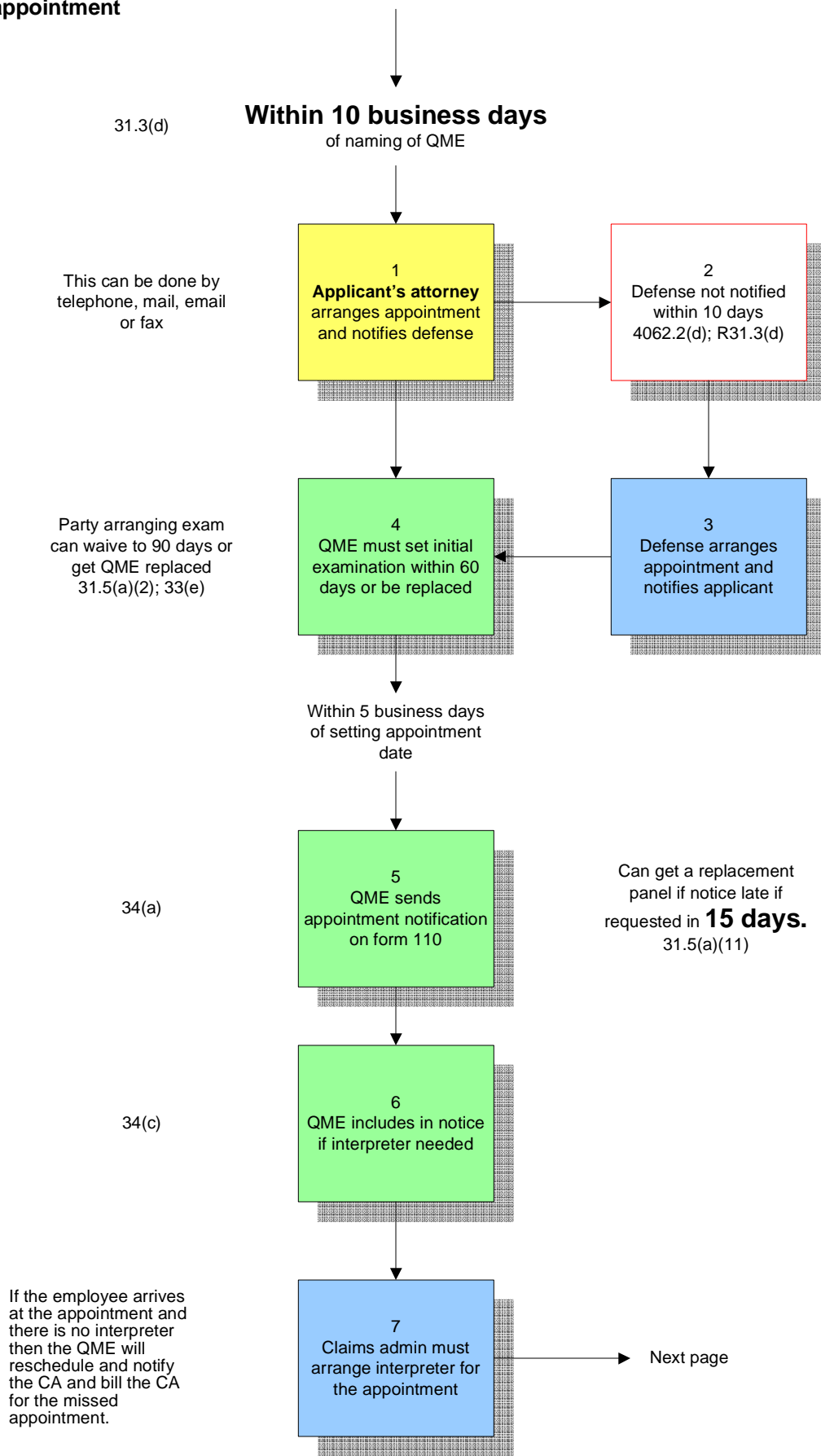
Next page

QME choosing the QME from the panel



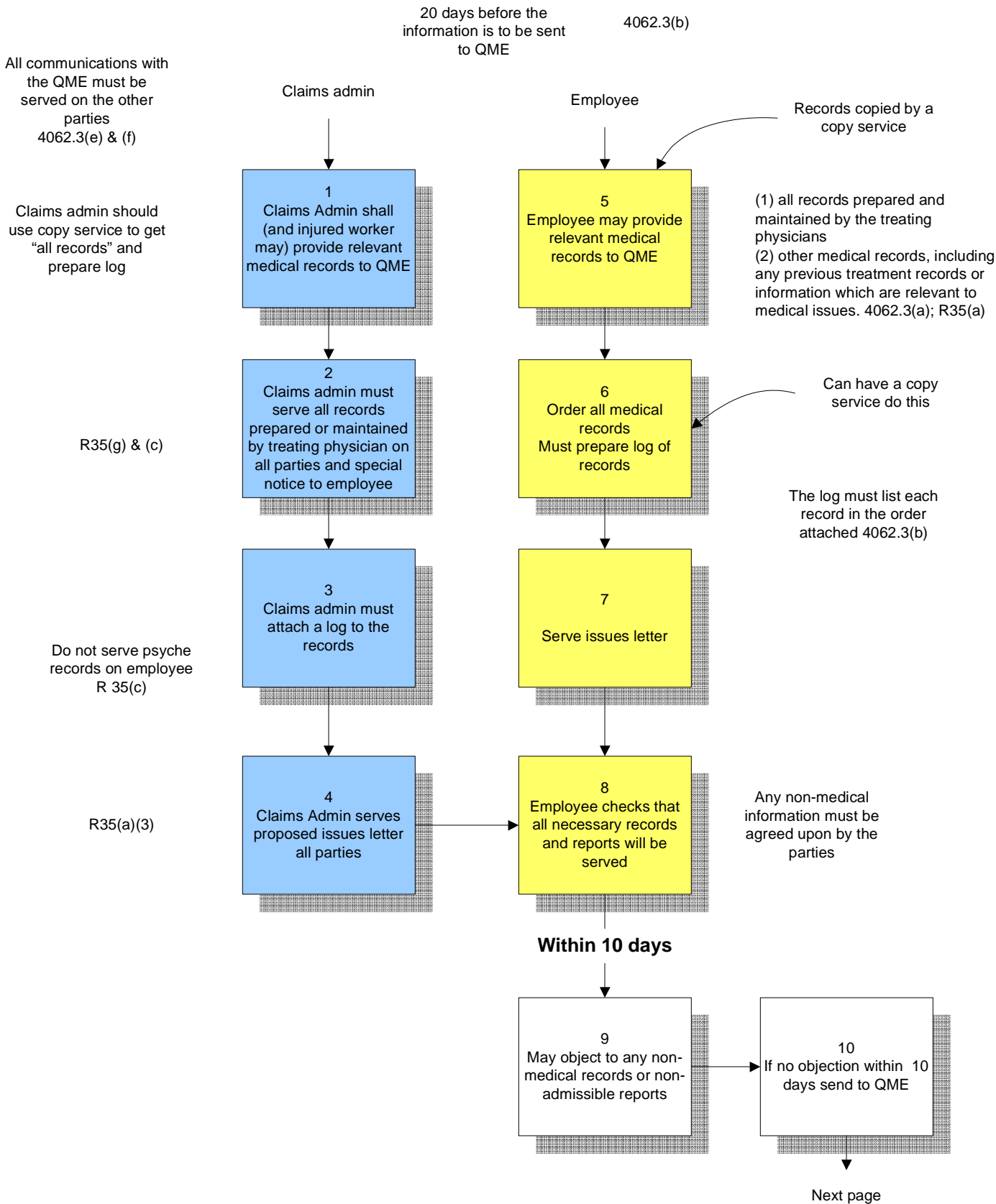
QME
setting the appointment

Represented



QME serving medical records

Represented



QME serving nonmedical records

Nonmedical evidence
includes nonmedical
reports, films and video

1
Before the nonmedical
material is to be sent to
QME

4062.3(e); R35(c)

2
A party must serve
nonmedical evidence
on all other parties
before sending to QME

There must be an
agreement as to non-
medical records to be
sent to QME

10 Days

4062.3(b); R35(c)

3
Other parties have 10
days to object

R35(e) & (d)

4
If there is an objection
then do not send the
material to the QME

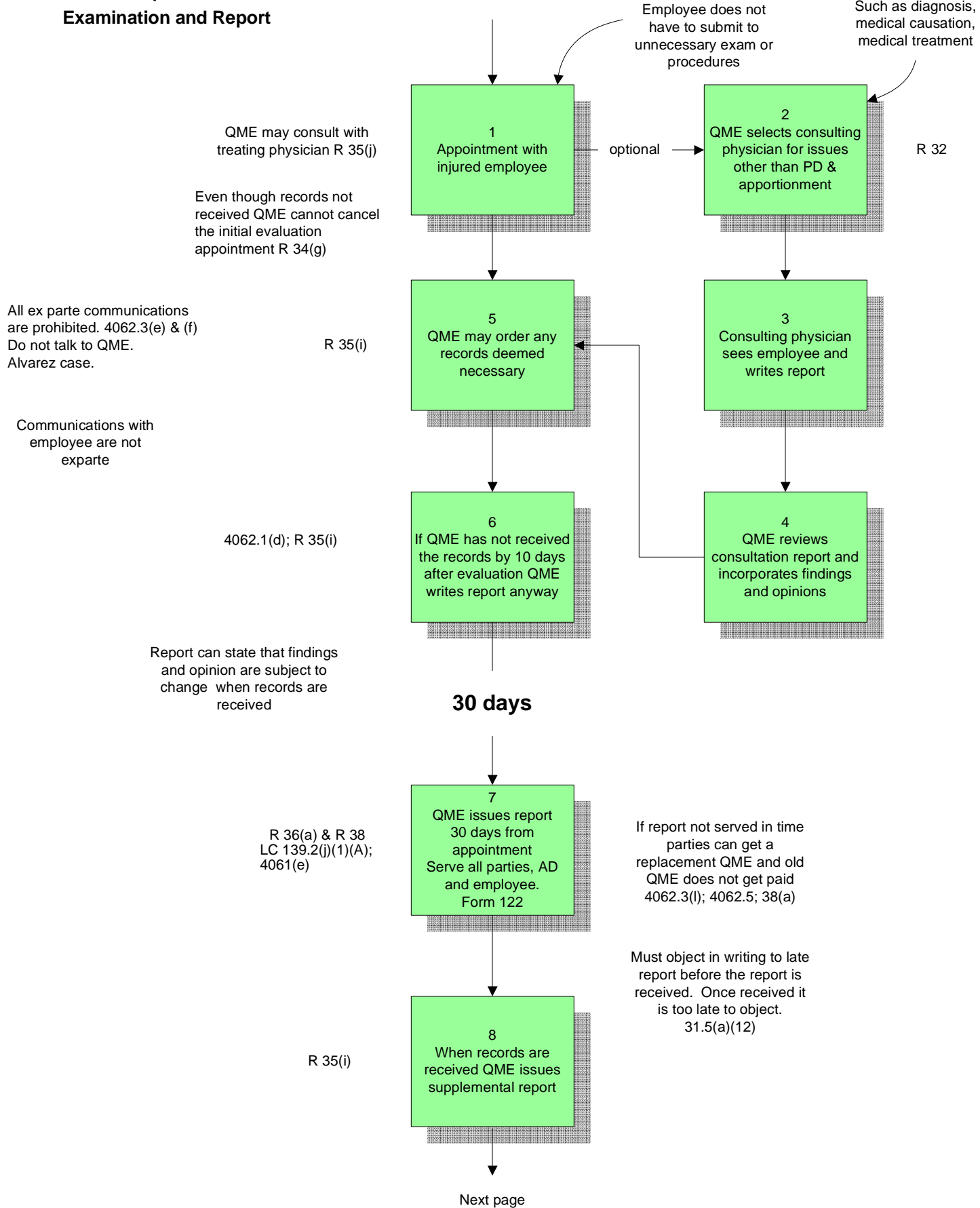
Other party should have
copy service get all
records from the source

4062.3(b); R35(f)

5
Either party may use
discovery to establish
the accuracy or
authenticity of the
nonmedical records or
information

Next page

QME Examination and Report



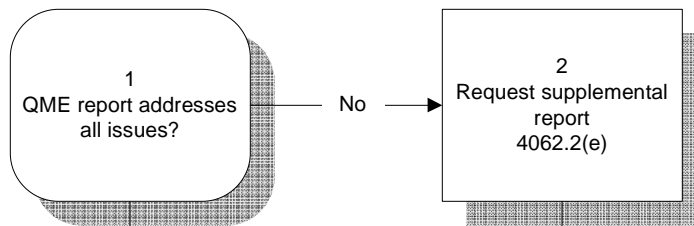
All ex parte communications are prohibited. 4062.3(e) & (f) Do not talk to QME. Alvarez case.

Communications with employee are not ex parte

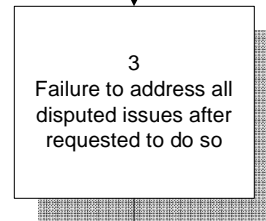
QME

Problem with QME or Panel

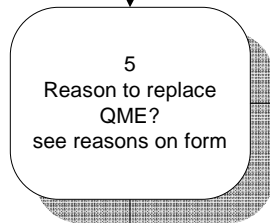
4062.3(j); 4062.3(d);
31.5(a)(15)



Yes

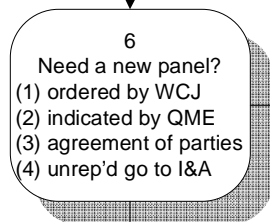


31.5(a)(15)



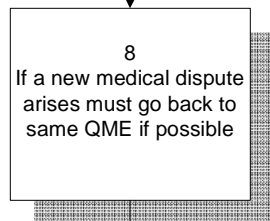
http://www.dir.ca.gov/dwc/FORMS/QMEForms/QMEForm31_5.pdf

No

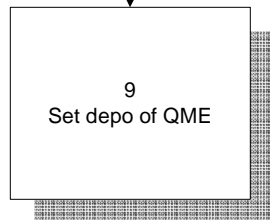


http://www.dir.ca.gov/dwc/FORMS/QMEForms/QMEForm31_7.pdf

31.7(b); 32.6
QMEform31_7



4062.3(j); 31.7(a)



Must be scheduled within 120 days

Can submit AME/QME/PTP report(s) to Med-Legal, Inc. for rating

If rating is over 70% Med-Legal, Inc. will compute attorney fee

Disclaimer
Not all relevant code sections and regulations are cited in these flowcharts. No claim is made as to the completeness of the flowcharts or of the legality or accuracy of the content

Purpose of flowcharts is a teaching aid for understanding and navigating the QME process.

Original research and analysis of the law should be conducted before any legal actions are taken.