

**2024 Workers' Compensation Commission**  
**Proposed Permanent Rule Changes**

**810:15-9-1. Qualifications**

(a) The Commission shall maintain a list of private physicians to serve as independent medical examiners. The list shall be placed on the Commission's website at <http://www.wcc.ok.gov>.

(b) To be eligible for appointment by the Commission to the list of qualified independent medical examiners, and for retention on the list, the physician must:

- (1) have a valid, unrestricted professional license as a physician which is not probationary;
- (2) have at least three (3) years' experience and competency in the physician's specific field of expertise and in the treatment of work-related injuries;
- (3) be knowledgeable of workers' compensation principles and the workers' compensation system in Oklahoma, as demonstrated by prior experience, and attending educational programming, on the Official Disability Guidelines, if a treating physician, and/or in the American Medical Association's "Guides to the Evaluation of Permanent Impairment," if a rating physician, or other continuing education courses related to workers' compensation topics;
- (4) have in force and effect health care provider professional liability insurance from a domestic, foreign or alien insurer authorized to transact insurance in Oklahoma. The per claim and aggregate limits of the insurance must be at least One Million Dollars (\$1,000,000.00); and
- (5) have no felony conviction under federal or state law within seven (7) years before the date of the physician's application to serve as a qualified independent medical examiner.

(c) Alternatively, a physician may be eligible for appointment to the list of qualified medical examiners if the physician is affiliated with an Oklahoma university hospital or health care provider group that has entered into an agreement with the Commission to add any or all qualified physicians to the independent medical examiner list.

~~(e)~~(d) Physicians who are serving unexpired terms as qualified independent medical examiners for the Oklahoma Workers' Compensation Court on February 1, 2014 shall serve as qualified independent medical examiners for the Commission until their respective terms expire, unless voluntarily terminated by the physician or revoked by the Commission, and may reapply for successive qualification periods. The two year period in which to meet the educational requirement in 810:15-9-1(b)(3) commences with the independent medical examiner's first appointment or renewal after February 1, 2014.

**810:15-9-2. Application and appointment process**

(a) **Appointment.** Appointment of physicians to the list of qualified independent medical examiners, and maintenance and periodic validation of such list shall be by the Commission. Physician appointments shall be for a two-year period.

(b) **Application for appointment.** To request appointment to the list of qualified independent medical examiners, a physician shall:

(1) Submit a signed and completed Commission prescribed IME Application and Physician Disclosure forms to the following address: Oklahoma Workers' Compensation Commission, Attention: HEALTH SERVICES DIVISION, 1915 North Stiles Avenue, Oklahoma City, Oklahoma 73105. Illegible, incomplete or unsigned applications and disclosures will not be considered by the Commission and shall be returned. A copy of the IME Application and Physician Disclosure forms may be obtained from the Commission at the address set forth in this Paragraph, or from the Commission's website at <http://www.wcc.ok.gov>;

(2) Submit a current curriculum vitae, together with the IME Application and Physician Disclosure forms, to the address set forth in the preceding Paragraph; and

(3) Verify that the physician, if appointed, will:

(A) provide independent, impartial and objective medical findings in all cases that come before the physician;

(B) decline a request to serve as an independent medical examiner only for good cause shown;

(C) conduct an examination, if necessary, within forty-five (45) calendar days from the date of the order appointing the examiner, unless otherwise approved by the Commission, when necessary to render findings on the questions and issues submitted;

(D) prepare a written report in accordance with Commission rules which addresses the issues set out in the order of appointment;

(E) submit the report to the parties and the Commission within fourteen (14) calendar days of a required examination of the claimant and/or completion of necessary tests, or within fourteen (14) calendar days after receipt of necessary records and information if no examination and/or tests are required;

(F) accept as payment in full for services rendered as an independent medical examiner the fees established pursuant to ~~810:15-9-5~~ the Fee Schedule;

(G) submit to a review pursuant to 810:15-9-3 and 85A O.S., § 112(H);

(H) submit annually to the Commission written verification of valid health care provider professional liability insurance as and if required in 810:15-9-1;

(I) notify the Commission in writing upon any change affecting the physician's qualifications as provided in 810:15-9-1; and

(J) comply with all applicable statutes and Commission rules.

(c) **Disclosure.** As part of the IME Application, the physician shall identify, on the Physician Disclosure form, any ownership or interest in a health care facility, business or diagnostic center that is not the physician's primary place of business, including any employee leasing arrangement between the physician and any health care facility that is not the physician's primary place of business. Failure to do so is grounds for the Commission to disqualify the physician from providing treatment under the AWCA.

(d) **Alternative group application agreement.** Appointment of physicians to the list of qualified independent medical examiners may also be made by agreement, pursuant to 810:15-9-1(c).

### **810:15-9-5. Fees and costs**

(a) Fees for services performed by a Commission appointed independent medical examiner shall be paid according to the Fee Schedule:- following schedule:

~~(1) Diagnostic tests relevant to the questions or issues in dispute shall be paid by the employer or insurance carrier in accordance with the Oklahoma workers' compensation fee schedule; provided, diagnostic tests repeated sooner than six (6) months from the date of the test are not authorized for payment unless agreed to by the parties or ordered by the Commission for good cause shown.~~

~~(2) The review of records and information, including any treating physician evaluation and/or medical reports submitted by the parties, the performance of any necessary examinations, and the preparation of a written report as prescribed by Commission rules, shall be billed at the physician's usual and customary rate, not to exceed Three Hundred Dollars (\$300.00) per hour or any portion thereof, not to exceed a maximum reimbursement of One Thousand Six Hundred Dollars (\$1,600.00) per case. The Commission may permit exception to this provision, for good cause shown. Subject to reimbursement if appropriate, these costs shall be billed to, and initially paid by, the respondent.~~

~~(3) Reimbursement for medical testimony given in person or by deposition shall be paid by the employer or insurance carrier in accordance with the independent medical examiner's usual and customary charges, not to exceed Four Hundred Dollars (\$400.00) per hour or any portion thereof, plus an allowance of One Hundred Dollars (\$100.00) for 15 minute increments thereafter. Preparation time shall be reimbursed at the examiner's usual and customary charge, not to exceed Four Hundred Dollars (\$400.00). A Four Hundred Dollar (\$400.00) charge is allowable whenever a deposition or scheduled testimony is canceled by any party within three working days before the scheduled start of the deposition or scheduled testimony. The party canceling the deposition or scheduled testimony is responsible for the incurred cost. No physician may receive more than Four Hundred Dollars (\$400.00) in advance in order to schedule a deposition. The advance payment shall be~~

~~applied against amounts owed for testimony fees. The Commission may permit exception to these provisions, for good cause shown.~~

~~(4) Amounts owed to the independent medical examiner for services are payable upon submission of the examiner's written report.~~

~~(5) The independent medical examiner may charge and receive up to Two Hundred Dollars (\$200.00), to be paid initially by the employer or insurance carrier in the event the employee fails to appear for any scheduled examination, or if the examination is canceled by the employee or the respondent within forty eight (48) hours of the scheduled time. The employer or insurance carrier shall be reimbursed by the employee if the failure to appear or the cancellation by the employee was without good cause. The independent medical examiner may not assess a cancellation charge for appointments canceled by the examiner.~~

(b) Failure to timely pay a Commission appointed independent medical examiner for services rendered pursuant to Commission order may result in the imposition of assessments or sanctions at the discretion of the administrative law judge or Commission, including a fine for contempt as provided in 85A O.S. § 73(B). Disputes regarding payment for services rendered by a Commission appointed independent medical examiner that cannot be resolved by the examiner and the parties themselves, may be addressed by filing a request for hearing before an administrative law judge of the Commission as provided in 810:10-5-16, or by mediation, as appropriate.