

DEP EVALUATOR IMPAIRMENT TRAINING POLICY

I. STATEMENT OF ISSUE/CURRENT SITUATION

Beginning in 1999 all physicians who wished to perform neurological or musculoskeletal impairment evaluations of injured workers for BWC had to provide evidence of seven hours of impairment training and two hours of training if the evaluation was for a mental health (psychiatric) condition. Training was to be based on the edition of the American Medical Association's *Guides to the Evaluation of Permanent Impairment* (AMA *Guides*) that was accepted at the time by BWC. Evaluators could obtain training to meet this requirement from several organizations that provide training nationally including the American Academy of Disability Evaluating Physicians (AADEP), American College of Occupational and Environmental Medicine (ACOEM), American Board of Independent Medical Examiners (ABIME), or SEAK. Evaluator training could be obtained in Ohio by attendance of a BWC arranged seminar delivered in conjunction with the American Academy of Disability Evaluating Physicians (AADEP). As part of the seminar, the BWC Medical Director and legal staff spoke for usually one to two hours on issues specific to Ohio. These seminars were usually provided annually in Cleveland or Columbus and once in Cincinnati.

As the DEP matured over the years and various policies were implemented, it became evident that providers who received training from seminars other than the BWC arranged seminar were missing important information specific to Ohio that could be covered only in the BWC arranged seminars. This information included explanation of the importance of and need for the evaluator to focus on the "allowed" conditions in the claim in Ohio, Ohio's application of the AMA *Guides, 5th Edition*'s approach to impairment for pain, important expectations and customer satisfaction issues, legal requirements and topics covered by BWC attorneys, and interaction and learning from other examiners who perform impairment in Ohio. This lack of information frequently was identified by errors in the impairment reports or complaints from parties (injured worker, employers, or BWC staff) which had to be processed through the DEP complaint procedures.

In the Spring 2007 BWC was approached by a physician who wished to receive training via an internet based training program. While several organizations have produced continuing education training for physicians on a variety of subjects via the internet, impairment training via internet was never requested by an examiner. Since BWC has no role in presenting the training material and the topics which are unique to Ohio are not covered, it is obvious that physicians who receive training in this manner will continue to lack exposure to some of the important information covered in the BWC arranged training. This issue was presented to the BWC Health Care Quality Assurance Committee who recommended that BWC develop a training requirement policy.

II. SUMMARY OF RESEARCH FINDINGS

The current BWC Disability Evaluator Panel Evaluator contract contains the following information regarding required training to perform impairment evaluations or file reviews:

"Disability Evaluator warrants that he/she meets the following requirements if a Medical Doctor or Doctor of Osteopathy conducting permanent partial exams or permanent partial file reviews: 1) has 50% of the required Continuing Medical Education hours for licensure relating to the specialty in which he/she is Board Certified; 2) All new

applicants conducting exams after January 1, 1999, must provide documentation of attendance at a BWC sponsored or authorized seminar providing 7 hours of Continuing Medical Education Credits, based on the AMA Guides to the Evaluation of Permanent Impairment, currently in use by BWC if performing neurological or musculoskeletal exams, unless the Disability Evaluator is a psychologist, psychiatrist, in which case 2 CME hours on the AMA Guides to the Evaluation of Permanent Impairment, currently in use by BWC is required. The impairment training requirement is eliminated for the following specialties: Otolaryngologists, ophthalmologists, dermatologists, dentists, pulmonologists, cardiologists, or internal medicine physicians who perform only specialty specific evaluations. This change does not apply to specialists who wish to perform examinations outside their indicated specialties; and 3) These programs must use the current AMA Guides as the basis of the conference.”

This portion of the contract does not specify the content of the training other than it is based on AMA Guides and does not address physicians who wish to pursue training via the Internet.

From the legal perspective there are several important legal issues that must be followed for the impairment report to be considered as evidence. There are also several important procedural issues that should be understood by evaluators. Examples include the following:

- Evaluate all allowed conditions in the claim
- Limit impairment to only the allowed conditions in the claim
- Avoid certain statements such as “this condition should never have been allowed in the claim”
- Areas to stress to avoid mistakes in the report such as the individual needing to be at maximum medical improvement for an impairment award
- Format of the report
- Quality assurance process
- Complaint Process and how to avoid complaints
- Approach to Impairment for Pain Conditions.

III. RECOMMENDATIONS

To ensure that all evaluators who receive referrals from BWC to perform impairment evaluations are exposed to important Ohio-specific information regarding the performance of these evaluations, the following training requirements will be implemented for Ohio evaluators effective January 1, 2008. These include the following:

- a. All new applicants conducting impairment exams after January 1, 2008, must provide documentation of attendance at a BWC sponsored or authorized seminar providing five hours of Continuing Medical Education Credits, based on the AMA Guides to the Evaluation of Permanent Impairment, currently in use by BWC if performing neurological or musculoskeletal exams and 2 hours CME based on the AMA Guides to the Evaluation of Permanent Impairment, currently in use by BWC if performing psychological or psychiatric impairment evaluations.

- b. All evaluators who require training after January 1, 2008, either as initial training or as a result of BWC adopting a newer edition of the AMA Guides to the Evaluation of Permanent Impairment, will be required to have evidence of attendance at a minimum of two hours of Ohio specific impairment training provided by the BWC Medical Director and BWC Law Division. Such training will be offered at least annually in Columbus during normal business hours. Training will be provided free of charge to evaluators but the training will not offer any Continuing Medical or Education credits.
- c. BWC will sponsor impairment training in Ohio at least annually which will include the two hours of Ohio specific impairment training and sufficient impairment training to meet the requirement for neuromuscular and psychiatric/psychological examinations.
- d. If performing neurological or musculoskeletal exams, evaluators who are unable to attend a BWC sponsored impairment training, training requirements can be met by either of the following:
 - i. Attending a BWC accepted impairment training program (in-state or out-of-state) which meets training requirements of paragraph (a) in addition to the two hours of Ohio specific impairment training provided by BWC Medical Director and BWC Law Division;
 - ii. An on-line (internet) based training program by an organization recognized by BWC which meets training requirements of paragraph (a) in addition to attending the two hours of Ohio specific impairment training provided by BWC Medical Director and BWC Law Division;
- e. Impairment training is not required for the following specialties: Otolaryngologists, ophthalmologists, dermatologists, dentists, pulmonologists, cardiologists, or internal medicine physicians who perform only specialty specific evaluations.

IV. BUSINESS IMPACTS

- a. **Training** – the actual Ohio specific impairment training program will be developed and provided by the BWC Medical Director and Law Division. This is similar to training provided in the past at BWC sponsored AADEP conferences. This information will be communicated to evaluators. The information will also be presented to BWC staff via videoconference.
- b. **Systems** – there will be limited systems involvement except providing a list of authorized providers of training, a need to indicate that training has been received on the evaluator's DEP Review/Signoff Screen from the DEP database, and update of the *DEP Handbook*.

- c. **Legal** – legal will need to provide one hour of presentation once or twice per year and attend part of the training session. Also, we will need to have the DEP contract and *DEP Handbook* updated with this policy.
- d. **Operations** – training regarding the policy and update of the evaluator’s DEP Review/Signoff screen by the DEP Unit.

V. JUSTIFICATION

This policy allows BWC to maintain the requirement that evaluators performing impairment evaluations pertinent to the neuromuscular or for BWC are familiar with the AMA Guides to the Evaluation of Permanent Impairment from a clinical perspective. The additional two hours of training on Ohio specific workers’ compensation impairment issues have been provided in the past if the evaluator attended the BWC sponsored training program. Those physicians who attended non BWC sponsored training programs did not receive this information. This policy requires the evaluator to attend training on these issues provided by BWC. The policy also allows the physician the flexibility to obtain the clinical aspect of impairment training from a source of the evaluator’s choosing including the Internet provided the program is BWC accepted. This policy then addresses both the issue of some physicians not having the Ohio specific training information and the issue of Internet training.