

## WAC 296-15-440

### Use of Independent Medical Examinations

#### **(1) What will the department consider when resolving a dispute to a scheduled independent medical exam (IME)?**

##### **The department will consider:**

(a) Information provided by the self-insurer on a required IME coversheet which must be submitted to the department within 5 days of scheduling an IME

(b) Whether notice of the IME was mailed to the injured worker and the worker's representative no later than 28 calendar days prior to the IME. The notice to the worker must include information on how the need for the IME may be disputed.

(c) Whether the worker agreed to waive the 28 day notice for initial IME scheduling or reschedules.

(d) Whether the IME is necessary and consistent with RCW 51.36.070 and WAC 296-23-307.

##### **When a dispute is filed:**

(d) A worker, their representative, or their attending provider may file a written dispute at any time during the IME process, but the department will only consider postponing an IME if the dispute is received by the department at least 15 calendar days prior to the IME.

(e) The dispute must include the specific reason(s) why the IME is unnecessary or out of compliance with RCW 51.36.070 or WAC 296-23-307.

(f) The self-insurer must submit a worker's written dispute to the department within five working days of receipt.

##### **The department will take action as follows:**

(g) Where the dispute presents a factual case that the examination was scheduled in violation of RCW 51.36.070 or WAC 296-23-307 and these rules, pending a further investigation, the department will consider ordering the self-insurer to cancel the IME, and to notify the examiner, worker, and attending provider. The facts the employer provides in the IME coversheet will be used in this determination.

(h) The department will issue an order to resolve the dispute in accordance with RCW 51.52.050.

(i) Should a worker attend a disputed IME and, after a report is rendered, the department determines the IME was scheduled in violation of RCW 51.36.070 or WAC 296-23-307, the report will not be considered in the adjudication of the claim.