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The Medical Panels Commissioner has created guidelines to help assist those involved with the Medical Panels Program. The Medical Panel General Rules of Procedure may also be helpful.

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Let us know if your address or contact information changes, or if you choose a representative or your representative changes.

A. What is the Purpose of a Medical Panel?

A Medical Panel is an investigative pathway available to the Workers' Compensation Board and the Appeals Commission to assist in adjudicating a compensation claim. The objective of a Medical Panel is to provide a conclusive and binding medical opinion in situations where conflicting medical viewpoints impede the final judging of a compensation claim or when the complexity of a compensation claim necessitates the insight of medical specialists for its resolution.

Medical Panel findings are final and binding on all parties to a compensation claim. The Medical Panel process is not adversarial, nor is it judicial in nature. Panels do not assess the merits of a compensation claim, determine eligibility or address inquiries unrelated to the medical issues. A Medical Panel is established to provide expert medical opinion concerning the nexus of a work-related incident or exposure to an injury or medical condition to finalize contentious medical issues. To establish a medical panel, the request must substantiate a legitimate and meaningful dispute between qualified medical experts regarding the medical aspects of a compensation claim.

B. Who Can Request a Medical Panel?

Section 46.3 of the Worker's Compensation Act (WCA) provides that the Workers' Compensation Board, the Appeals Commission, or, in limited circumstances, the worker or the worker's dependent may through application to the Appeals Commission request a Medical Panel.

C. When Are Medical Panels Formed?

Pursuant to Section 46.3 of the WCA, Medical Panels can be formed:

- On referral from the WCB or the AC; and
- On referral from the AC when it has received an application from a worker, or representative and it finds the application satisfies legislative prerequisites.

D. What Criteria Must Be Met to Request a Medical Panel?

Requests based on a difference of medical opinion: Section 46.3(2)

A difference in medical opinions arises when two or more medical opinions on a claim file contradict in a way that significantly impacts the outcome of the compensation claim. The disagreement should not be a matter of minor discrepancies but rather substantial differences between equally qualified medical experts in assessment, diagnoses or recommendations.

To establish a medical Panel, the request must substantiate a legitimate and meaningful dispute between qualified medical experts regarding the medical aspects of a compensation claim. This ensures that the program is utilized to address only those cases where a final and binding medical opinion by a panel of experts is necessary to make a fair and informed decision on the claim.

When a request for a Medical Panel is made based on a difference of medical opinion, the referring body should illustrate:

- The medical issue is substantial and material to the claim.
- The opinions in question are based on the same facts and relate to the same time; and
- The physicians giving the opinions have similar qualifications or expertise in relation to the medical issue.

Should the Workers' Compensation Board be the referring body, it must also explain why the issue cannot be resolved through consultation with the medical professionals who authored the differing opinions.

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Requests from the worker based on a difference of medical opinion: Section 46.3(3)

On appeal to the Appeals Commission, when a worker or their dependent requests a Medical Panel, they must satisfy the Appeals Commission that:

- They have exhausted their rights to review under section 9.4 of the WCA; and
- There is a difference of medical opinion that is material to the claim as outlined in the section above.

Where the Appeals Commission is satisfied there is a difference of medical opinion, the matter will be referred to a Medical Panel.

Requests when the Workers' Compensation Board or the Appeals Commission considers it appropriate to do: Section 46.3(1)

A request for a Medical Panel is an exceptional remedy. It should only be invoked when there is a complicated medical issue that is material to the adjudication of a claim that cannot be resolved by review of the existing medical opinion on a claimant's file. A Medical Panel can assist where an unresolved, complex medical issue prevents the finalization of a claim; however, a referral to a Medical Panel is not meant to replace the decision-making responsibilities of an adjudicator.

A request to establish a Medical Panel where the Workers' Compensation Board or the Appeals Commission considers it appropriate to do so must:

- Identify the complex, unresolved medical issue.
- List the medical reporting giving rise to the issue.
- Explain why the medical issue is substantial and material to the claim.
- Describe the medical issue preventing final adjudication of the claim.

Explain why a referral to an independent medical examiner could not resolve the issue.

E. Powers of the Medical Panels Commissioner

Following the receipt of a request for a Medical Panel, the Medical Panel Commissioner may:

- Review requests to establish a Medical Panel and the questions posed to the panel.
- Clarify requests with the Workers' Compensation Board or Appeals Commission.
- Determine the appropriate physician specialties comprising the panel and make the final selection of panel members in accordance with the Medical Panels' Regulation.
- Confer with a Medical Panel before signing off on its report to seek clarification and to ensure adherence to the Medical Panel Program's report writing guidelines.
- Undertake any other necessary actions to fulfill the position's statutory responsibilities.

F. Making a Medical Panel Referral

A medical panel referral has two parts: the referral letter and form. Both the letter and form are communicated to the Medical Panels Commissioner through the Medical Panels Program.

What should the Medical Panel Referral Letter Contain?

- A high-level summary of the relevant history of the claim and medical information on file.
- The reasons for the referral.
- Findings the panel has made that the Medical Panel should consider finalized.
- Documents the referring body would like to emphasize.
- A copy of any relevant Workers' Compensation Board policy; and
- Questions related to the medical issues(s) for the Medical Panel.

What should the Medical Panel Referral Form Contain?

- Personal information about the worker.
- The reason for the referral.
- A brief description of the accident as accepted on the claim.
- A list of the injuries/conditions not accepted; and
- Suggested physician specialties.

G. What is the Medical Panel Process?

Step 1: Request for Information

The Medical Panels Program requests the Workers' Compensation Board send the Medical Information Package, case summary, and contact information for the parties.

Step 2: Referral Review

The Medical Panels Commissioner reviews the referral from the Appeals Commission or Workers' Compensation Board for adherence to legislation and Practice Guidelines. The MPC may sometimes correspond with the referring body for clarification.

Step 3: Acknowledgement

Parties are notified of the Medical Panel referral and advised of the process.

Step 4: Physician Specialty Review

The Medical Panels Commissioner reviews and determines the physician specialties required for the case.

Step 5: Request for Physicians

Physicians are contacted to request their participation on the Medical Panel. Physicians must be regulated members of the College of Physicians and Surgeons of Alberta, hold a permit issued under the Health Professions Act, or have similar status under similar legislation in another jurisdiction to be candidates.

Step 6: Case Eligibility List

Under section 2 of the *Medical Panels Regulation*, parties are allowed to select candidates for the

Medical Panel. The selection of candidates is done through a ranking system. Based on these rankings, the Medical Panels Commissioner makes a final determination on panel composition.

Step 7: Scheduling

The Medical Panels Program selects a date in consultation with the physicians and communicates it to the parties.

Step 8: Package Distribution

The Medical Panels Program shares the Medical Information Package, Medical Panel Referral, and other related documents with the parties.

Step 9: Document Sharing

The Medical Panels Program allows parties to submit additional information they want the Medical Panel to review.

Step 10: Additional Testing

The Medical Panel may also arrange for additional medical testing of the worker to be completed.

Step 11: Panel Held

The Medical Panel Examination is held in person in the Medical Panels Program Edmonton office.

Step 12: Report Distribution

The Medical Panel Report is distributed to parties and the referring body once complete. If the Panel requests additional information, this may delay the Report.

H. What Evidence Does the Medical Panel Use?

The Medical Panel Program provides parties and the panel with a package called the Medical Information Package (MIP) before the examination.

WCB Medical Services prepares the MIP on behalf of the Medical Panels Program. It contains all related medical information from the worker's claim file.

If there are specific documents a referring body would like the panel to focus on, please provide them with the Medical Panel Referral Letter.

If the Medical Panel determines they need more information, the Medical Panels Program may request a worker undergo additional medical testing before or after a medical panel.

The Medical Panel may also complete a medical examination of the worker. For this purpose, the Medical Panels Program office has a medical examination room.

I. What if New Medical Evidence is Reviewed During the Medical Panel Process?

Suppose any new evidence is received from the WCB or the parties during a medical panel. In that case, that information will be provided to the parties and referring body when the Medical Panel Report is issued. And the report will identify whether the panel considered the evidence in reaching its findings.

J. Who Receives the Completed Medical Panel Report?

A copy of the report is shared with the:

- Worker
- Employer
- Workers' Compensation Board and
- Appeals Commission if it is the referring body.

Once the Medical Panel Report is signed by the Panel Chair and the Medical Panels Commissioner and circulated, the Medical Panels Program no longer has any involvement with the file. The Appeals Commission and Workers' Compensation Board have their own processes on how the report is used for adjudication, so any questions should be directed to them. However, if the referring body requests clarification of the report, the Medical Panels Commissioner has the authority to reconvene the panel to provide the necessary clarification.