

Physician Handbook



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1. OFFICE CONTACT LIST

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2. LETTER OF WELCOME

My staff and I extend a warm welcome to you as a valued member of the Medical Panels Program. Your participation in this program is critical and deeply appreciated.

The medical panel plays an important role in the evaluation of compensation claims under the *Alberta Workers' Compensation Act*. When differences of medical opinion arise, or where the complexity of a claim necessitates the expert medical opinion, your expertise is required.

The medical findings of a panel are binding on all interested parties, including the Workers' Compensation Board and the Appeals Commission, and are the final resolution of all contentious medical issues.

Your willingness and dedication to resolving these complex medical questions are commendable. I am confident that you and your colleagues will navigate the intricacy of these medical issues, ensuring that the opinions reached meet the high standards of fairness, clarity, and thoroughness.

To support your work, we are committed to providing you with all necessary resources and assistance. For example, we can arrange for additional medical testing, or an independent medical examination when required. If you need anything to facilitate your work, please do not hesitate to reach out to me or my staff. Your success is our priority, and we encourage you to rely on our support. We hope you will find this handbook helpful. If you feel it can be improved in any way, please let us know.

Your time, expert qualifications, and commitment to the medical panel process are genuinely appreciated. We look forward to working with you, and ultimately to receiving your panel's comprehensive report.

Yours very truly,

Douglass M Tadman JD, C. Arb, KC

Medical Panels Commissioner

3. MISSION, VISION AND VALUES

Vision

We are committed to a fair, client-focused medical panels experience.

Mission

In serving our clients we:

- Understand their needs.
- Offer user friendly resources.
- Guide them through our processes.
- Create a safe and respectful environment.
- Provide clear, timely, independent, and unbiased reports.

Values

Respect

We understand that every client is different, and every client needs to be served with an open mind.

We are committed to a culture that is collegial and professional, and a workplace that is free of harassment, violence, and discrimination.

Service

We provide professional and friendly assistance along with accessible resources to help our clients navigate our processes.

We support each other professionally and personally, and we aim to create a healthy, inclusive workplace that recognizes excellence and encourages development.

Integrity

In all our interactions with clients and stakeholders, we aim to be impartial, diligent, and ethical.

We demonstrate our values to our clients and stakeholders, and to our colleagues, by being consistent in our words and deeds, taking ownership, and seeking out learning opportunities.

Accountability

We are answerable to our clients and stakeholders for the efficiency of our processes, the clarity and timeliness of our services and outcomes, the effectiveness of our communications, and the responsible use of our resources.

We recognize that we are part of a larger process, and that in striving for excellence and serving our clients we all make contributions and are answerable to each other.

4. WHAT IS A MEDICAL PANEL?

In Alberta, workers' compensation legislation establishes a mechanism known as a Medical Panel to facilitate the resolution of workplace injury and illness claims. These panels comprise three impartial specialists, with one serving as the panel chairperson responsible for guiding discussions and crafting the panel's report.

When a workers' compensation claim is being assessed, and conflicting medical opinions arise, or there is a complex unresolved medical issue, the Workers' Compensation Board or the Appeals Commission may initiate a referral to a Medical Panel. This referral can be initiated either by these organizations or through the Appeals Commission, at the request of the claimant.

The legislation grants the Workers' Compensation Board and Appeals Commission discretion in seeking the appointment of a Medical Panel. However, the fundamental purpose of these panels is to definitively address disagreements among medical professionals or provide finality regarding a worker's injury or condition. Alberta uniquely employs independent panels for such determinations.

A Medical Panel review is generally aimed at impartially identifying the nature and origin of the claimant's medical condition, but a panel may only be asked for a diagnosis. The panel's evaluation may encompass an assessment of the claimant's functional capabilities, limitations, and future medical care requirements. Additionally, it may recommend a course of action to aid the claimant's recovery and return to work. It's crucial to note that the findings of a Medical Panel are final and beyond challenge or review in any court. These findings are binding on the Workers' Compensation Board, the Appeals Commission, and all parties directly involved in the claim.

Section 46.2(11) of the *Workers' Compensation Board Act* states that no action may be brought against the Medical Panels Commissioner, Medical Panels staff, or physicians on a medical panel in respect of any act or decision done or made in the honest belief that it was within the panel's jurisdiction.

5. ROLE OF MEMBERS

Responsibilities of Medical Panel Members

1. Maintain professional registration in good standing through the College of Physicians and Surgeons of Alberta while participating in the panel.
2. Maintain the confidentiality of all personal and health information related to the worker.
3. Declare any conflict of interest.
4. Remain in contact with Medical Panels Program staff before and after your panel meets.
5. Conduct a thorough review of the worker's medical records and other relevant information before the hearing. Establishing a timeline of relevant events can help understand the claim.
6. If applicable, perform a literature review.
7. Prepare a list of questions for the worker and any participants and ask them clearly and directly.
8. Examine the worker, completing, as applicable, a physical and mental health exam and a health history.
9. Listen attentively to the worker and their representatives and address any concerns or questions they may have.
10. Remain objective and impartial throughout the panel, and do not allow personal opinions or biases to influence your decision-making.
11. Document all relevant information and evidence presented during Medical Examination in detail (see [General Rules of Procedure](#), Part 3).
12. Be respectful, professional, and maintain a positive and constructive tone during the panel.
13. Review the panel's report, prepared by the Chair, and provide commentary before its finalization. Ensure the report meets the Medical Panels Program report-writing criteria.
14. If necessary, meet with the Medical Panels Commissioner to discuss the final report and findings.
15. Track your time concerning the claim and submit your timesheet and invoice within fourteen (14) days of finalizing the panel's report.
16. Respond to clarifying questions from the Workers' Compensation Board or Appeals Commission related to the panel's report.

ROLE OF THE CHAIR

Generally, medical panel members elect a Chair from within their group. However, the Medical Panel Commissioner ultimately has the authority to make this determination.

Responsibilities of Medical Panel Chair

The Chair has all medical panel members' responsibilities and the additional duties stipulated in the following paragraphs:

1. Determines, from the Medical Information Package and before the medical panel meets, whether additional medical reporting or imaging is required for the panel to proceed and requests the Medical Panels Commissioner to obtain the necessary information. Please do this as soon as possible after receiving the Medical Information Package.
2. Verifies the claimant's identity, that all members of the medical panel have completed a conflict-of-interest form and obtains the informed consent of the claimant for any physical or mental health examination (see appendices).
3. The Chair is responsible for leading and guiding the panel discussions and conclusions during a medical examination. They set the agenda, ensuring that all participants can speak and provides clear guidance to all panel participants. The Chair facilitates the discussion and allows all participants to address the panel.
4. The Chair ensures that the examination process is conducted fairly, objectively, and professionally and proceeds in accordance with the values of the Medical Panels Program.
5. The Chair may make additional rules of procedure for the medical panel that are not inconsistent with the [General Rules of Procedure](#) established by the Medical Panels Commissioner.
6. Leads the panel to a consensus and is responsible for drafting the panel's report, ensuring that it answers the questions posed to the medical panel and that the other panel members can input into the report before its finalization.
7. Submits the final report to the Medical Panel Commissioner for circulation within 60 days of the panel being held and will remain available to the Medical Panels Commissioner to review the report, if necessary. This timeline does not apply if additional medical testing of the worker is requested after the panel has occurred.
8. Remains available for 90 days to respond to requests for clarification, if any, requested by either the Workers' Compensation Board or the Appeals Commission.

6. ROLE OF THE MEDICAL PANELS COMMISSIONER

The Lieutenant Governor in Council appoints the Medical Panels Commissioner. The Commissioner is responsible for administering the Medical Panels Program. A full-time Director and Administrative Assistant support the Medical Panels Commissioner. When needed, the Medical Panels Commissioner has access to a medical consultant.

The Medical Panel Program is independent of the Workers Compensation Board and Alberta Government and an operationally independent branch of the Appeals Commission. It has the benefit of administrative services provided through the Appeals Commission Secretariat.

The Medical Panels Commissioner has several duties and authorities under the legislation, including:

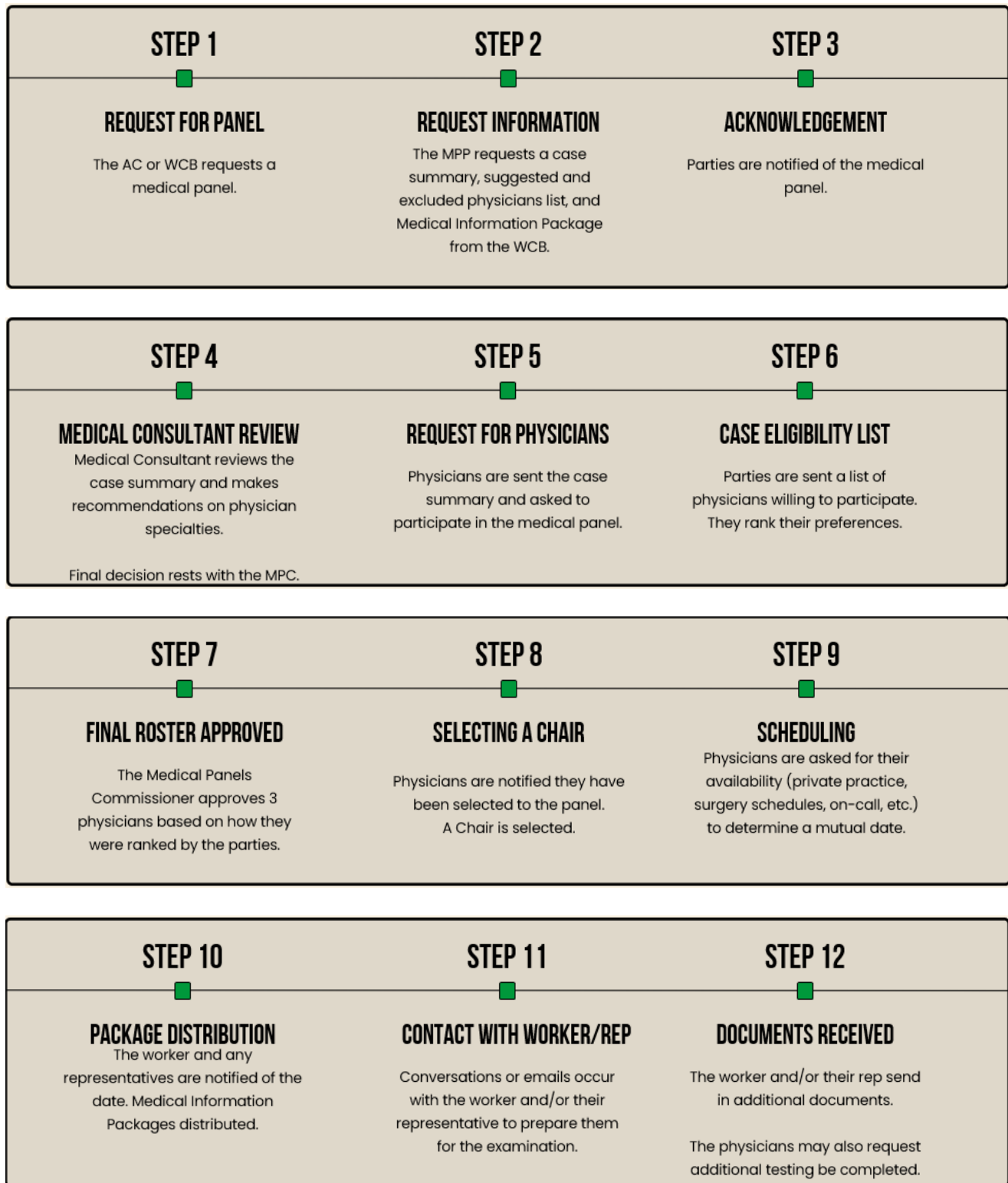
1. Required to establish a medical panel, per the regulations, upon request.
2. Authorized to establish the medical panel process, including general rules of procedure, guidelines, and ethical standards.
3. Authorized to collect and use records and information related to a medical issue or matter.
4. Authorized, at the request of a medical panel, to seek advice or information relevant to the medical issue or matter from one or more of any of the following: physicians, medical specialists, or healthcare providers; and may arrange for any tests on or assessments of the claimant; and compile medical information relevant to the medical issue or matter.

In general, the Medical Panels Commissioner and program staff support the medical panel and facilitate an orderly, efficient, and independent process to resolve conflicts in medical opinion or unresolved complex medical issues based on the Medical Panels Program mission statement.

7. ROLE OF A REPRESENTATIVE

1. A claimant may have up to three additional individuals attend the examination. These individuals may include a Medical Professional Advisor, a representative in the form of an Appeals Advisor or other representative, and a friend or family member (see [General Rules of Procedure](#), Parts 2 and 3) .
2. The claimant and their representative receive the Medical Information Package before attending the medical panel.
3. The representative's role is to bring forward any relevant medial information to the panel's attention. A representative may be from the Advisor Office for Alberta Workers' Compensation, a lay representative, or a lawyer.
4. The representative's role is not to provide legal arguments but to highlight relevant facts from the claimant's medical and work history germane to the panel's determination.
5. A claimant may select a physician as a Medical Professional Advisor to provide input to the panel (in-person, electronically, or in writing) and make representations on their behalf.

8. MEDICAL PANELS PROCESS



STEP 13	STEP 14	STEP 15
<p>MEDICAL EXAMINATION HELD</p> <p>The examination is held (usually) in person at the MPP office where there is a medical examination room.</p>	<p>REPORT WRITTEN</p> <p>The Chair writes the report, with input from the rest of the panel.</p> <p>Additional information may be requested.</p>	<p>FINAL REPORT DISTRIBUTED</p> <p>The final report is approved by the Medical Panels Commissioner and sent to parties.</p>

9. COMPENSATION

What is the hourly rate?

The Alberta Medical Association, in negotiation with the WCB, established the current billing rate at \$589.78 per hour. You may divide your time into five-minute blocks, if necessary.

What time is billable?

All time spent preparing for, participating in, and preparing/reviewing a report is billable. Travel time, mileage, hotels, and meals are also billable when travelling to Edmonton from another city.

For more information on what is billable when travelling, please contact Medical Panels Program staff.

How do I get paid?

The Medical Panels Program, through the Appeals Commission Secretariat, pays you directly. Using our standardized forms, provide us with your banking details, timesheet and signed invoice. We do the rest. We are committed to prompt payment of your invoices.

Is there an approval process for my invoice?

The Medical Panels Commissioner reviews each invoice for reasonableness before approving the invoice for payment.

10. GETTING READY FOR THE EXAMINATION

The Medical Information Package:

In advance of the medical panel examination, we send the Medical Information Package (MIP) to the members of the medical panel, as well as the claimant and their representative.

The MIP includes the questions posed to the medical panel, a medical summary prepared by the Workers' Compensation Board, and all pertinent information from the claimant's Workers' Compensation Board file. The MIP can contain several hundred to several thousand pages of information and may include diagnostic imaging on USB drive.

Without a waiver from the claimant, the legislation prohibits medical panel members from using Netcare to obtain health information related to a WCB claim.

Literature Review:

The nature of the medical questions associated with the claimant's file or the nature of the illness or condition under examination may suggest that panel members conduct a literature review before meeting to examine the claimant.

Additional Testing or Imaging:

At the medical panel's request, the Medical Panel Commissioner has the authority to require the claimant to undergo additional testing and to seek advice or information relevant to the medical issue or matter from physicians, medical specialists, or healthcare providers. Panel members should advise the Medical Panels Commissioner as soon as possible if they decide additional medical information is required to complete the claimant's assessment.

11. THE EXAMINATION

The Medical Panel Chair may consider using this guide and script items below. Each item should be addressed at some point during the examination.

Introductions and Welcome

1. Introduce all participants present, including the worker and their representatives.
 - “The three of us comprise the Medical Panel who will be answering the questions submitted by the WCB or Appeals Commission.

My name is _____ and I will be serving as Chair of this examination. Also sitting on the panel today are _____ and _____. We are an independent Medical Panel; we do not work for the WCB or the Appeals Commission.”

2. Confirm identification of the worker with government issued photo ID.
3. Review the role of the Chair, panel members, worker, and any representatives.

Housekeeping

1. Timing of the meeting and breaks, including those required to add money to parking meters.
2. Discuss cell phone use during the examination.
 - We do not permit recordings of the proceedings but note taking is acceptable.
3. Emergency Exits
 - In case of an emergency, Medical Panels Program staff will direct all participants to safely exit the building.

Disclosure and Consent

1. Ensure the worker understands the information obtained during the Medical Panel, including the examination, will be used by the Medical Panel in reaching a consensus opinion regarding the medical issues or matters on their claim.
 - “We will begin the meeting by reviewing the questions posed by the WCB or Appeals Commission to ensure everyone understands the matters to be discussed. The Medical Panel members will then ask a series of questions and complete an examination as necessary.
 - You and/or your representative(s) will have an opportunity to ask questions and provide input into the discussion. Any information obtained during this meeting will be used to reach a consensus opinion regarding the medical matters.”

2. Discuss confidentiality and how it will be maintained.
 - “The information obtained today will remain confidential, but will be shared with the WCB, Appeals Commission (if applicable), and your employer through a final report.”
3. Ensure the worker understands that the purpose of this examination is for medical evaluation only.
 - “There is no patient-physician relationship formed, and no treatment is offered or undertaken by the members of the Medical Panel.”
4. Confirm consent for examination. There is a Consent to Examine form that the worker must sign. Please check with Medical Panels Program staff beforehand, as they often have the worker sign the form before the panel begins.

12. WRITING THE REPORT

The culmination of the medical examination process is the panel's report. The report answers the questions posed by the Workers' Compensation Board or the Appeals Commission. Adjudicators at the Workers' Compensation Board or Appeals Commission incorporate the panel's report into deciding the claimant's entitlement to and scope of benefits. The report may also guide the compensation system on how it adjudicates similar claims in the future.

From the worker's perspective, the report offers insight into their illness or condition and possibly a path towards health and a renewed entry into the workplace.

It's essential that the worker, even in disagreement with the report's outcome, feels the panel gave clear and thoughtful reasons behind answers to the questions posed by the referring body. Fulsome written reasons are crucial to a fair procedure and enhance respect for and satisfaction with the medical panel process.

In drafting your report, consider the following elements that collectively define an excellent report. It is crucial that you address each question posed to the panel by the referring body.

- **Introduction:** The report should have an introduction explaining the report's purpose and context. Include a summary of the issues and the nature of the report the panel is making.
- **Background:** The report should include a clear and accurate background of the medical history and any statement of facts relevant to the decision. In the case of medical disagreement on the claim, include an explanation of the disagreement.
- **Evidence:** Include a summary of the evidence presented at the examination and any relevant documents.
- **Medical analysis:** The written reasons should include a thorough medical analysis that explains how the panel reached its conclusions. Include an explanation of any relevant literature about the questions posed by the referring body.
- **Reasoning:** The report should include a clear and logical reasoning process that explains how the panel arrived at its decision. Include an explanation of any factual or medical conclusions the panel made and how it arrived at the conclusions.
- **Conclusion:** The report should include a clear and concise statement of the panel's findings based on the analysis and reasoning provided in the earlier sections. Be sure to explicitly summarize and answer the questions posed by the referring body.
- **Remedies:** The report should discuss remedial opportunities available to the claimant.
- **Citation of authorities:** The written reasons should include a citation of any relevant medical authorities that were relied upon in the report.
- **Clarity and accessibility:** The written reasons should be clear, concise, and accessible to the parties and other interested persons. Use plain language and avoid technical jargon whenever possible.

13. REPORT GUIDE

The following is a guide to completing a Medical Panel Report:

1. **Worker details** (name, claim number, date of accident, date of birth, date of examination).
2. **Disclosure/Certification/Credential and Introduction**
 - It is suggested to include a statement of identification/credentials for all members of the Medical Panel at the beginning of the report. This may be done in point form.
 - Introduce the Medical Panel attendees (worker and any representatives/advocates)
 - “Mr./Mrs./Ms. _____ was accompanied by (NAME), (RELATIONSHIP.). The Medical Panel meeting commenced at (TIME) and ended at (TIME) with breaks as needed.”
3. **Identification and Consent Confirmation**
 - Confirm the worker has been advised of the purpose of the panel and consented to the assessment.
 - “Mr./Mrs./Ms. _____ was informed of the purpose of this Medical Panel and that it was conducted on the request of the (WCB or APPEALS COMMISSION) for the purpose of rendering an independent, final, and binding medical findings with regards to their WCB claim. Mr./Mrs./Ms. _____ consented to the Medical Panel examination.”
 - Confirm the worker was aware that no traditional physician-patient relationship is established and that no treatment is undertaken.
 - “Mr./Mrs./Ms. _____ was informed that no traditional physician-patient relationship was established and that no treatment was undertaken.”
 - Confirm the identification of the worker was verified.
4. **Issue Statement**
 - Indicate the purpose of the Medical Panel. For example:
 - “The purpose of the Medical Panel is to provide final and binding medical findings regarding a diagnosis (if any), relationship to the work injury, and fitness for return to work.”
 - Indicate the questions to be answered by the Medical Panel.
 - Confirm that the worker and/or their representative were provided an opportunity to participate in the discussion and ask questions.

5. **Information Reviewed** – which may include:
 - Medical Information Package
 - Literature review – please refer the reader to the original source when referencing ‘the literature’.
6. **History** – which may include:
 - History of injury – previous medical history of body part, mechanism of injury, progress
 - Medical, surgical, psychiatric, and family history
 - Occupational history
 - Non-occupational activities/social history
 - Medication history/substance history
7. **Examination and Current Medical Status** (if applicable)
 - Please indicate who completed the physical examination and if a chaperone was present.
8. **Discussion/Answers to Questions** – which may include:
 - Causation, aggravation, and progression
 - Diagnoses
 - Work capacity/Return to Work/Work restrictions
 - Further investigation/Management
9. **Conclusion**
 - “This completes the report of the Medical Panel. Mrs./Mrs./Ms. _____ is aware that the report will be forwarded to them, the WCB, the Appeals Commission (if applicable) and the Employer.”
10. **Signature Sheet**
 - This is provided by the Medical Panels Program. Only the Chair is required to sign.
11. **References or Appendices** (as needed)

Please provide your report in Microsoft Word (.docx) format to the Medical Panels Program. Your report will be formatted according to Medical Panels Program standards for consistency in presentation, but the content of your report will not be altered.

14. FREQUENTLY ASKED QUESTIONS

Where is the Medical Panels Program located?

The Medical Panels Program is on the second floor of the Standard Life Building, located at #210A, 10405 Jasper Ave NW T5J 4R7, in Edmonton, AB.

There is parking below the building and in several lots nearby. Save your parking receipts; we reimburse you when you submit your invoice.

Is the Medical Panels Program office accessible?

Yes, the Medical Panels Program is an accessible office. We entertain all reasonable requests for accommodation.

Is the Medical Panels Program a secure office?

Yes, the Medical Panels Program is a secure office. We have adopted a locked door protocol. There's a telephone at the entrance to request access. We have equipped our offices with video cameras and a duress button system for added security. Our office arranges for security when circumstances suggest this is a reasonable precaution. We have a zero-tolerance policy for misbehavior.

Is there a medical examination room?

The Medical Panels Program incorporates a private and equipped medical examination room, including a defibrillator. Let us know if we can add anything to the exam room to make it more user-friendly. If you require specialized equipment, please notify us well in advance of the examination date. Our office can arrange for a chaperone to facilitate examination of the worker when necessary.

What about additional medical testing?

X-ray and lab services are available downtown and we can arrange for this if the panel decides it requires additional testing to inform its decision-making process. Please ensure any requests for additional testing are made well in advance of the scheduled medical examination.

How long is the typical medical panel?

Naturally, this time varies, but panels generally complete their review within 2 to 3 hours of commencement.

Do you arrange for interpreters?

When circumstances dictate, the Medical Panels Program engages a professional, independent interpreter to assist the claimant and panel members.

What amenities are available to the panel?

The Medical Panels Program provides water, coffee, and tea in the conference room. There are several options for food within the building and nearby should you require a meal before or after the panel. If you require wi-fi during the panel, please let Medical Panels Program staff know in advance.

What facilities are available to the medical panel to conduct its examination?

The office has a conference room where the medical panel will be held. It comfortably seats 6 to 8 people. The room is equipped with telephone and videoconference capabilities to facilitate remote attendance. We provide paper and pens for panel members. We do not record the proceedings of a Medical Panel.

When the panel is complete, what do I do with the Medical Information Package?

Please leave your package with our staff, we securely shred it.

15. APPENDICES

15.1 *Workers' Compensation Act* Section 46

Medical Panels Commissioner

46.2(1) The Lieutenant Governor in Council may appoint a Medical Panels Commissioner.

(2), (3) Repealed 2020 c32 s3(17).

(4) Subject to the *Alberta Public Agencies Governance Act* and any applicable regulations under that Act, the Medical Panels Commissioner may be appointed for a maximum term of 3 years and is eligible for reappointment for additional terms of not more than 3 years each.

(5) The Lieutenant Governor in Council shall determine the remuneration that is payable to the Medical Panels Commissioner.

(6) The remuneration referred to in subsection (5) must be set in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(7) In addition to the Medical Panels Commissioner's other powers, duties and functions under this Act, the Medical Panels Commissioner is responsible for the operation of the medical panel process in accordance with the regulations.

(8) Repealed 2020 c32 s3(17).

(9) The remuneration payable to the Medical Panels Commissioner shall be paid by the Minister and be reimbursed to the Crown by the Board from the Accident Fund.

(9.1) The remuneration payable to the members of a medical panel, at the rates determined by the Medical Panels

Commissioner, and the costs of carrying on the operations of a medical panel shall be paid out of the Accident Fund.

(10) Repealed 2020 c32 s3(17).

(11) No action may be maintained or brought against the Medical Panels Commissioner, an agent of the Medical Panels Commissioner, a medical panel or a member of a medical panel in respect of any act or decision done or made in the honest belief that it was within the jurisdiction of the Medical Panels Commissioner or a medical panel.

2017 c25 Sched. 2 s21;2020 c32 s3(17)

Medical panels

46.3(1) Where it considers it appropriate to do so, the Board or the Appeals Commission may, in the course of evaluating a claim for compensation under this Act, request that a medical panel be established under this section to deal with a medical issue relative to the claim.

(2) Where, in the Board's or the Appeals Commission's opinion, a difference of medical opinion arises in the course of the Board's or Appeals Commission's evaluation of a claim for compensation under this Act, the Board or the Appeals Commission, as the case may be, shall request that a medical panel be established to deal with the matter.

(3) Where a difference of medical opinion arises in the course of evaluating a claim for compensation under this Act and a medical panel has not been established to deal with the matter under subsection (2), the worker or a worker's dependant may apply to the Appeals Commission for the purpose of having a medical panel established to deal with the matter if the worker or the worker's dependant, as the case may be, has exhausted the worker's or dependant's rights to a review under section 9.4.

(4) The Appeals Commission shall request that a medical panel be established to deal with the matter referred to in the application if

- (a)** the requirement under subsection (3) is met, and
- (b)** in the Appeals Commission's opinion, there is a difference of medical opinion.

(5) A request for the establishment of a medical panel shall be made to the Medical Panels Commissioner and must include the records and information, including personal information, available to the Board or the Appeals Commission, as the case may be, relating to the medical issue or matter.

- (6) For the purposes of subsection (5),
- (a) the Medical Panels Commissioner is authorized to collect and use the records and information, and
 - (b) the Board and the Appeals Commission are authorized to disclose the records and information.
- (7) Where the Medical Panels Commissioner receives a request for the establishment of a medical panel, the Medical Panels Commissioner shall, in accordance with the regulations, establish a medical panel to deal with the issue or matter that is the subject of the application.
- (8) A person is not eligible to be a member of a medical panel unless the person is a regulated member of the College of Physicians and Surgeons of Alberta who holds a practice permit issued under the *Health Professions Act* or has a similar status under similar legislation in a jurisdiction outside Alberta.
- (9) For the purposes of providing a report of its medical findings, the medical panel established under subsection (7)
- (a) shall review the records and information received under subsection (5),
 - (b) if the worker has selected a physician to provide input and make representations on behalf of the worker before a medical panel pursuant to the regulations, shall arrange to receive the physician's input and representations, and
 - (c) may
 - (i) interview or examine the worker,
 - (ii) invite a physician, including the worker's treating physician, and any other health provider who holds a practice permit under the *Health Professions Act* whom the medical panel considers appropriate, to provide input,
 - (iii) seek, or request the Medical Panels Commissioner to seek, advice or information relevant to the medical issue or matter from one or more of any of the following:
 - (A) physicians;
 - (B) medical specialists;

(C) health care providers who hold a practice permit under the *Health Professions Act*,

and

(iv) request the Medical Panels Commissioner to do one or both of the following:

(A) to arrange for any tests on or assessments of the worker;

(B) to compile medical information relevant to the medical issue or matter.

(10) For the purposes of this section, a difference of medical opinion arises where

- (a) the medical issue is substantial and material to the claim,
- (b) the physicians who provided the medical opinions are in possession of the same facts in respect of the medical issue,
- (c) the physicians have reasonably similar qualifications or expertise in respect of the medical issue, and
- (d) the medical opinions relate to the same time frame

and the Board is not able to resolve the outstanding medical issue through consultation with the physicians.

(11) Repealed 2020 c32 s3(18).

(12) The medical findings of a medical panel are binding on the Board, the Appeals Commission and all other persons with a direct interest in the claim.

(13) The medical findings of a medical panel are final and conclusive and not open to question or review in any court.
2017 c25 Sched. 2 s21;2020 c32 s3(18)

46.4 Repealed 2020 c32 s3(19).

Regulations

46.5 The Lieutenant Governor in Council may make regulations

- (a) respecting the powers, duties and functions of the Medical Panels Commissioner;
- (b) respecting the ownership, custody, control, collection, use and disclosure of records, reports and information submitted

to or created or acquired by the Medical Panels
Commissioner and a medical panel;

- (c) respecting the appointment and removal of the members of a medical panel;
- (d) respecting the remuneration and expenses to be paid to physicians who participate in proceedings before a medical panel and authorizing the Medical Panels Commissioner to determine the rates of the remuneration and expenses;
- (e) respecting the duties of the members of a medical panel;
- (f) respecting applications under section 46.3;
- (g) respecting the practice and procedure applicable to proceedings before a medical panel;
- (h) - (j) repealed 2020 c32 s3(20);
- (k) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of sections 46.1 to 46.3.

2017 c25 Sched. 2 s21;2020 c32 s3(20)

15.2 Medical Panels Regulation

ALBERTA REGULATION 21/2018

Workers' Compensation Act

MEDICAL PANELS REGULATION

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- 12 Coming into force

Definitions

1 In this Regulation,

- (a) "Act" means the *Workers' Compensation Act*;
- (b) "claim" means a claim for compensation under the Act;
- (c) "claimant" means a worker or, in the case of a worker's death, a dependant of the deceased worker;
- (d) "medical professional advisor" means a physician selected by a claimant under section 3;
- (e) "medical opinion" means a full statement of the facts, medical evidence and reasons supporting a physician's medical conclusion;
- (f) "Medical Panels Commissioner" means the Medical Panels Commissioner appointed under section 46.2(1) of the Act;
- (g) repealed AR 264/2020 s2.

AR 21/2018 s1;264/2020

Selecting medical panel members

(1) On receipt of a request under section 46.3(5) of the Act, the Medical Panels Commissioner shall prepare from the general eligibility list of physicians prepared by the College of Physicians and Surgeons a case eligibility list of physicians specifically skilled in the medical issue or matter to be dealt with by the medical panel.

(2) On completion of the case eligibility list, the Medical Panels Commissioner shall send a copy of the list to

- (a) the claimant,
- (b) the Board, and
- (c) the employer unless the Medical Panels Commissioner is required to choose a physician on behalf of the employer under subsection (4).

(3) A medical panel must consist of 3 physicians chosen as follows:

- (a) one physician chosen by the claimant from the case eligibility list;
- (b) one physician chosen by the employer from the case eligibility list;
- (c) one physician chosen by the Board from the case eligibility list.

(4) Notwithstanding subsection (3)(b), the Medical Panels Commissioner shall choose a physician on behalf of the employer if

- (a) the claimant is
 - (i) self-employed,
 - (ii) a member of the employer's family, or
 - (iii) a partner in, or a director of, the employer's firm,

or

- (b) the employer has ceased to carry on business in the industry in which the worker's injury occurred.

(5) Notwithstanding subsection (3), the Medical Panels Commissioner shall choose a physician if

- (a) the claimant, employer or Board does not select a physician within 2 weeks, or such longer period as

determined by the Medical Panels Commissioner, from the date of receiving a copy of the case eligibility list under subsection (2), or

(b) 2 or more of the parties choose the same physician.

(6) Notwithstanding subsections (3) and (4), a physician is not eligible to be chosen as a member of a medical panel if the physician

- (a) is or was the worker's treating physician,
- (b) is being or has been consulted with respect to the worker's injury unless, in the opinion of the Medical Panels Commissioner, special circumstances exist and choosing the physician would not create a conflict of interest,
- (c) is providing or has provided medical services to the worker or the employer, or
- (d) is or was a partner or associate of a physician referred to in clause (a), (b) or (c) unless, in the opinion of the Medical Panels Commissioner, special circumstances exist and choosing the physician would not create a conflict of interest.

(7) The Medical Panels Commissioner shall choose one of the panel members as the chair of the medical panel.

AR 21/2018 s2;264/2020

Medical professional advisor

3(1) A claimant may select a physician as the claimant's medical professional advisor to provide input and make representations on behalf of the claimant in proceedings referred to in this Regulation.

(2) The Medical Panels Commissioner shall, when sending a copy of the case eligibility list to the claimant under section 2(2), provide the claimant with notice of the claimant's right to select a medical professional advisor under this section.

(3) A claimant shall select a medical professional advisor by notifying the Medical Panels Commissioner of the selection in writing within 2 weeks from the date of receiving a notice under subsection (2).

(4) A medical professional advisor may provide input and make representations on behalf of the claimant in proceedings referred to in this Regulation in person, by telephone or in writing.

(5) A claimant is responsible for paying a medical professional advisor's fees and expenses unless the medical professional advisor is the worker's treating physician in which case the medical professional advisor's fees and expenses must be paid pursuant to section 9.

AR 21/2018 s3;264/2020

Records and information

4(1) After a request for the establishment of a medical panel has been made under section 46.3(5) of the Act, the Medical Panels Commissioner

- (a) may request the Board, Appeals Commission or claimant to provide additional records and information, including personal information, related to the medical issue or matter, and
- (b) shall provide copies of all relevant records and information received under clause (a)
 - (i) to each member of the medical panel,
 - (ii) to each participant in a case conference, and
 - (iii) to all other interested parties including the medical professional advisor, if the claimant has selected one.

(2) A medical panel may, through the Medical Panels Commissioner, request the Board, the Appeals Commission or the claimant to provide it with any records or information that it considers necessary to make a medical finding.

(3) A person who receives records and information under this section shall not use or disclose the records or information except for a purpose related to a proceeding referred to in this Regulation or under section 46.4(3) of the Act.

AR 21/2018 s4;264/2020

Report of medical panel

5 A medical panel shall prepare a report of its medical findings, including reasons supporting the medical findings, and through the Medical Panels Commissioner provide copies of its report to

- (a) the claimant,
- (b) the employer,
- (c) the Board, and

- (d) if the Appeals Commission has referred the medical issue or matter to the medical panel, the Appeals Commission.

Rules of procedure for medical panels

6(1) The Medical Panels Commissioner shall establish general rules of procedure for proceedings before a medical panel.

(2) The chair of a medical panel may make additional rules of procedure for a medical panel that are not inconsistent with the general rules of procedure established by the Medical Panels Commissioner.

(3) Without restricting the generality of subsection (2), the chair of the medical panel may determine whether anyone other than a medical professional advisor may appear on behalf of the claimant before the medical panel.

7,8 Repealed AR 264/2020 s2.

Physician remuneration

9 A claimant's treating physician who participates in proceedings referred to in this Regulation shall be paid remuneration and expenses at the rates determined by the Medical Panels Commissioner.

AR 21/2018 s9;264/2020

Cost of tests and assessments

10 The Board shall pay the cost of any tests on or assessments of a worker that are requested by a medical panel under section 46.3(9) of the Act as part of the claim.

Repeal

11 The *Medical Panels Regulation* (AR 290/2006) is repealed.

Coming into force

12 This Regulation comes into force on the coming into force of section 21 of *An Act to Protect the Health and Well-being of Working Albertans*.

15.3 Conflict of Interest Declaration

Conflict of Interest Declaration



Explanation and Declaration Instructions

Physicians participating on a Medical Panel are expected to act impartially in carrying out their responsibilities. A requirement for Medical Panel membership, is that you disclose any interests which conflict, could conflict or may reasonably be seen to conflict with your responsibilities as a participant.

A conflict of interest exists when:

- you have a *private or personal interest* which influences or appears to influence the objective exercise of your responsibilities as a member of the Medical Panel
- your private interests are "at variance" or "in conflict" with your duties and responsibilities as a member of the Medical Panel
- you gain or appear to gain an advantage (for self or others) by virtue of your role as a member of the Medical Panel

"Private interests" include a personal obligation, financial interest, business interest, or an interest of a closely associated person.

A private interest does not include:

- a matter that has general application. This means that your interests are affected in the same way as others across Alberta.
- a matter that affects you as part of a broad class or category of the public. This means that you may benefit from a policy that affects all others in the broad class or category in the same way.
- an interest that is trivial. This means that the interest may be seen as a private interest, however, the interest is of such minor significance that it is trivial. An example might be having a minor child who has a \$10 share in an organization impacted by a decision.

"Business interests" include any interest arising as a result of your current, former or prospective affiliation with any for profit, not-for-profit or charitable entity.

"Affiliations" include being a member, employee, volunteer, owner, shareholder, creditor, director, elected representative, appointee, or trustee of an entity described below, or having any type of legal or equitable interest in such an entity.

"Entities" include corporations, partnerships, sole proprietorships, firms, franchises, associations, organizations, holding companies, joint ventures, trusts, societies, post-secondary institutions and research institutes.

"Closely associated persons" are persons with whom you have a substantial relationship and include a spouse, adult interdependent partner, child or other relative, a close friend, an employer, a business associate, and a client.

Please read this two (2) page Document, complete and sign the attached **Conflict of Interest Declaration Form**.

Please return the completed **Conflict of Interest Declaration Form** to the attention of the Medical Panels Program staff by email at mp@gov.ab.ca

The Medical Panels will use this information to determine if your name should be included on the eligibility list for this Medical Panel. You may be contacted by our offices to discuss and/or clarify information on this form.

Continuing Obligations

If you are selected for this Medical Panel, you have a continuing obligation to promptly and fully disclose, in writing to the Medical Panels Coordinator, any actual or potential or reasonably perceived conflict of interest that may affect or appear to affect your impartiality in your role as a physician member of this Medical Panel.

Conflict of Interest Declaration



Physician Name:

First Name

Last Name

Claim Number:

Injured Worker Name:

First Name

Last Name

Panel Member Declaration

- ☐ I have no conflict of interest to declare at this time
- ☐ I have interests to declare which may actually, potentially or be perceived to conflict with my responsibilities as a member of the Medical Panel for which I am being considered

Please explain (attach additional sheets if necessary).

I, _____, declare that the information provided on this Form is a complete and accurate statement of any actual, potential or reasonably perceived conflict(s) of interest affecting me as Medical Panel Member of which I am aware at this time.

I understand that I have a continuing obligation to promptly and fully disclose, in writing, an actual, potential or reasonably perceived conflict of interest to the Medical Panels Program while I am a participant on a Medical Panel.

Signature: _____ Date: _____

The information on this form is collected and will be used by the Medical Panels Program pursuant to section 33(c) of the *Freedom of Information and Protection of Privacy Act*, for the purposes of assessing your eligibility and suitability for selection to a Medical Panel.

15.4 Consent for Examination

Consent for Examination



Worker:

First Name

Last Name

Date of Birth

Claim Info:

Claim Number

Date of Accident

I, the undersigned, do hereby consent to a psychiatric examination, medical history, and/or physical examination at my Medical Panel.

I understand that the information gained through this examination may form part of the consensus medical opinion being addressed by the Medical Panel.

I understand that the purpose of the examination is for evaluation only, and that **no treatment will be offered or undertaken**. I realize that **no traditional physician/patient relationship is established during the course of this assessment**.

I understand that my consent is voluntary, and that I can revoke my consent at any time before or during the examination.

Signature

Date (mm/dd/yyyy)

Witness Name (Please print)

Date (mm/dd/yyyy)

Witness Signature

Mail:

Medical Panels for Alberta Workers' Compensation
Standard Life Centre
#210A, 10405 Jasper Avenue
Edmonton, AB T5J 4R7

Reception: 825-468-4251
Toll Free: 877-787-0622
Fax: 780-424-6352
Email: mp@gov.ab.ca

15.5 Administrative Fairness Checklist

Administrative Fairness Checklist



The Chair of the Medical Panel is encouraged to use this Checklist as a guide to ensure the Medical Panel process, including the Final Report are in compliance with Alberta Ombudsman guidelines for administrative fairness:

- ☐ The Medical Panel introduced the Panel Members
- ☐ Consent was obtained from the Injured Worker to proceed with an examination (physical, history and psychiatric examination if applicable)
- ☐ The Medical Panel provided an overview of the proceedings
- ☐ Logistical information was provided to the Injured Worker (breaks, refreshments, cell phone usage, washroom code etc.)
- ☐ The Injured Worker and accompanying parties were provided an opportunity to provide input
- ☐ The Medical Panel was able to achieve consensus regarding answers to questions posed
- ☐ The Medical Panel outlined the information considered in rendering their answers
- ☐ The Medical Panel rendered clear answers, showed how the information was weighed, and provided a reasoned answer(s)

Signature: _____
Chair, Medical Panels

Date: _____

Signature: _____
Acting Director, Medical Panels


Date: _____

Signature: _____
Medical Panels Commissioner

Date: _____

15.6 Timesheet, Invoice, and Payment Setup

Medical Panel Member Timesheet



Physician Name:

Worker Name:

WCB Claim Number:

DATE	TIME SPENT	ACTIVITY

TOTAL HOURS

Physicians Initials:

*If additional space is required, please attach a separate sheet

Reasons may include, but are not limited to:

- Review of Medical Information Package (MIP)
- Literature review
- Medical Panel meeting
- Writing/Review of Report

FRM07 (20240118)
Classification: Protected A

Medical Panel Invoice				 FOR ALBERTA WORKERS' COMPENSATION							
589.78 Ministry Jobs, Economy & Trade		Division Appeals Commission for Alberta Workers' Compensation		Profit Centre 100035		Cost Centre 620299		Fund Code 41		Internal Order 1001320	
Physician's Name (Last Name, First Name)				WCB Claim Number		Injured Worker's Name (Last Name, First Name)					

Activity(ies)	Date (mm-dd-yyyy)	Time Spent / Rates										Total Amount
		Hour(s)					Minutes (eg. 0.30)					
		\$ 598.78 per hour					\$ 49.15 per 5-minute block					
			x	\$598.78	=			x	\$49.15	=		
			x	\$598.78	=			x	\$49.15	=		
			x	\$598.78	=			x	\$49.15	=		
			x	\$598.78	=			x	\$49.15	=		
			x	\$598.78	=			x	\$49.15	=		
			x	\$598.78	=			x	\$49.15	=		
			x	\$598.78	=			x	\$49.15	=		
Sub-Total							Sub-Total					

Cancellation(s)	Date (mm-dd-yyyy)	\$901.21 for cancellation (notice ≤ 48hrs)				Total Amount
			x	\$901.21	=	
			x	\$901.21	=	

If additional space is required, please attach a separate sheet.
For claiming travel time and expenses, please use the Medical Panel Expense Invoice (Form INV03).

Sub-Total
 Total

I certify that the information I provided is accurate and complete. I further certify that amounts claimed have not previously been paid.

Physician Name	Date (mm-dd-yyyy)	Physician Signature
Approved by: DOUGLASS TADMAN Medical Panel Commissioner		
	Date (mm-dd-yyyy)	Signature

INV01 (20240207)
Classification: Protected A



Physician Information

Date	
------	--

Full Business Name

Business / Mailing Address			
Unit		Building	
Street Address		City	
Province		Postal Code	

Communication Information			
Phone		Mobile	
Fax		Email	

Payment Transaction					
<input type="checkbox"/> Cheque	To be mailed to the above address				
<input type="checkbox"/> Electronic Fund Transfer (EFT), please provide void cheque					
Transit		Institution		Account	

Under section 33(c) of the Freedom of Information and Protection of Privacy Act, Service Alberta has the authority to collect personal information if that information relates directly to and is necessary for an operating program or activity. As payments of honoraria are directly deposited to bank accounts, Service Alberta requires the specified banking information.

15.7 Physician Feedback Form

Physician Feedback Form



Your responses are confidential and will not be shared with anyone outside the Medical Panels Program.
Please select the response that best reflects your opinion.

	Very Dissatisfied	Somewhat Dissatisfied	Neutral	Somewhat Satisfied	Very Satisfied
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PRE-PANEL

Were you satisfied with the process of your appointment to the Medical Panel? ☐ ☐ ☐ ☐ ☐

How satisfied were you with the information contained within the Medical Information Package? ☐ ☐ ☐ ☐ ☐

If you answered Neutral or Dissatisfied, please explain.

Were you satisfied with the information and support you received prior to the Medical Panel? ☐ ☐ ☐ ☐ ☐

DURING THE PANEL

Were you satisfied that discussions during the Medical Panel were respectful? ☐ ☐ ☐ ☐ ☐

Were you satisfied that discussions during the Medical Panel were transparent? ☐ ☐ ☐ ☐ ☐

How satisfied are you that the questions posed to the Medical Panel were relevant to the medical issues on the claim? ☐ ☐ ☐ ☐ ☐

If you answered Somewhat or Very Dissatisfied, please explain.

POST-PANEL

How would you rate your **overall** experience with the Medical Panels Program? ☐ ☐ ☐ ☐ ☐

OTHER

What can the Medical Panels Program do to make your experience better?

Are you willing to add your name to our permanent physician roster and participate in future panels?

Yes ☐ No ☐