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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.

For more information, contact the Medical Panels for Alberta Workers' Compensation at:

**Edmonton / Calgary**  
Standard Life Centre  
#210A, 10405 Jasper Avenue  
Edmonton, AB T5J 4R7

**Reception:** 825-468-4247  
**Toll Free:** 877-787-0622  
**Fax:** 780-424-6352  
**Email:** [mp@gov.ab.ca](mailto:mp@gov.ab.ca)

or, through our web site at [www.medicalpanels.alberta.ca](http://www.medicalpanels.alberta.ca)

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

This guideline steps out the minimum standards of behaviour we expect from representatives, medical advisors and participants, as well as witnesses and observers.

As representatives act for others, we expect them to be role models for those they represent and to guide them in their behaviour.

## A. If You Appoint a Representative or Medical Advisor

If you want someone to represent you at your Medical Panel, you must ask them to agree to do this. Just because someone has represented you at the Appeals Commission or the Workers' Compensation Board does not mean they will represent you here.

To authorize a representative, you must complete a separate *Notice of Representation* form. This is the Medical Panels Program prescribed form and we will not accept alternative forms, or forms signed for the Appeals Commission or the Workers' Compensation Board.

### **When a representative stops representing you**

As soon as your representative or Medical Advisor stops representing you on a Medical Panel, you must notify us in writing.

## B. Expectations and Standards of Conduct for Medical Panel Participants

### **Act Honestly**

The conduct of a participant should always be characterized by truth and fairness.

### **Act properly and in a timely way**

All participants must meet deadlines for submitting Case Eligibility Lists, submitting additional documents and for attending examinations.

### **Be prepared**

All participants must be prepared. This includes being familiar with the questions posed to the Medical Panel and the information contained within the Medical Information Package (MIP).

All participants must observe the *Medical Panels Program General Rules of Procedure (Rules)* and Practice Guidelines.

### **Behave respectfully**

All participants must behave courteously and respectfully to the physicians, representatives, witnesses, observers, Medical Panels Program staff, and any other people permitted to attend the examination. All participants must also behave courteously and respectfully in all written correspondence. Respectful behaviour includes enabling Medical Panels Program staff to contact participants easily.

All participant's conduct and demeanor should not be influenced by ill feelings between a worker and an employer, or with regard to the Workers' Compensation Board or the Appeals Commission.

### **Raise appropriate concerns about bias or lack of procedural fairness**

A participant who has information that raises reasonable apprehension of bias or conflict of interest on the part of a Medical Panel physician has a duty to bring that information forward at the earliest opportunity. Allegations of bias must be made to the Medical Panels Commissioner.

Allegations of bias or conflicts of interest should not be made frivolously or in a way that diminishes confidence in the integrity of the Medical Panel's fact-finding.

A participant should raise concerns about a possible breach of procedural fairness as soon as practicable. If a participant fails to do so, the Medical Panels Program may consider them as having waived the right to raise an objection. If the Medical Panel Report has been issued, we may refuse to hear arguments on the breach of procedural fairness on the basis that the participant has waived their right. If a participant raises the concern about procedural fairness during the examination and the Medical Panel does not accept it, the participant should continue to participate in the examination. Continued participation will not be interpreted as a waiver.

### **Respect confidentiality**

Information disclosed before, during, and after the Medical Panel is confidential. A participant must not use that information for other purposes without the consent of the parties and the Workers' Compensation Board (see section 147 of the *Workers' Compensation Act*).

### **Do not contact the Medical Panel directly**

A participant should not try to contact the Medical Panel or a Medical Panel physician outside the examination process. A participant should only communicate through Medical Panels Program staff.

A participant must not write to or otherwise contact the Medical Panel or Medical Panel physicians after the Medical Panel Report. Any request for clarification must be sent to the Medical Panels Program.

## **C. Expectations and Standards of Conduct for Representatives**

### **Act honestly and independently**

Representatives must discharge their duties to their clients resolutely and independently.

### **Obtain proper instructions**

A representative must have proper instructions from their client before taking any significant step in the Medical Panel process.

### **Act properly and in a timely way**

Representatives must meet deadlines for submitting Case Eligibility Lists and additional documents, and for attending examinations. A representative should not represent a client unless they are able to provide such representation in a timely fashion.

### **Know the *Medical Panels General Rules of Procedure***

A representative must observe the *Rules* and Practice Guidelines and take appropriate action to ensure that their client observes the same.

### **Guide the client on appropriate conduct**

A representative's conduct should always be characterized by candour and fairness. The representative should maintain towards the Medical Panels Program a courteous and respectful attitude and insist on similar conduct on the part of their client. A representative should instruct their client and attendees on their behalf about appropriate conduct in an examination and in written correspondence.

They should also inform their client and attendees on their behalf that they are required to be courteous and civil to all examination participants, including physicians and staff. A representative must take the necessary steps to prevent clients and witnesses from disrupting an examination.

**Be aware of the rules of conduct and adhere to them at all times**

A representative must behave courteously and respectfully to the Medical Panel holding the examination and to Medical Panel Program staff. A representative must also behave courteously and respectfully in written correspondence, including any submissions. Respectful behaviour includes representatives conducting themselves so as to enable Medical Panel Program staff to contact them easily.

A representative's conduct and demeanor towards the Medical Panel should not be influenced by ill feelings between a worker and an employer, or between the client (or the representative) and the Workers' Compensation Board or the Appeals Commission.

A representative should instruct their client and attendees on their behalf about appropriate conduct in an examination and in all correspondence, including telephone conversations and written submissions, and the requirement for courtesy and civility to the Medical Panel. A representative should not engage in personal attacks on the Medical Panel, Medical Panels Program staff, other parties, or the Workers' Compensation Board or the Appeals Commission.

A representative must respect the confidentiality of information disclosed during Medical Panel proceedings and not use that information for other purposes without the consent of the parties and the Workers' Compensation Board (see section 147 of the *Workers' Compensation Act*). Failure to comply with confidentiality requirements may lead to remedial actions as listed below.

Following the Medical Panel Report being issued, a representative must not write to or otherwise contact the Medical Panel concerning the decision. Any request for clarification must be made in writing to the Medical Panels Commissioner through the Medical Panels Program.

## D. How the Medical Panels Program Will Deal with Unacceptable Conduct

The Medical Panels Program may address unacceptable conduct at any time during the processing of a Medical Panel. Unacceptable conduct may be addressed orally and in writing and either directly with a participant or through their representative.

The Medical Panels Commissioner or delegate will deal with unacceptable conduct while a Medical Panel is being conducted. The Medical Panels Commissioner may make orders or give directions necessary for the maintenance or enforcement of these Guidelines or the *Rules*. If a representative fails to comply with the Guidelines or *Rules*, the Medical Panels Commissioner may:

- Impose restrictions on a representative's continued or further participation in the Medical Panels process.
- Exclude a representative from further participation in the Medical Panels process.
- Impose restrictions on a representative's continued participation in or attendance at an examination; or
- Exclude a representative from further participation in or attendance at an examination.

In any situation where the Medical Panels Commissioner or delegate determines that remedial action is required, the representative subject to such action will be:

- Informed of their breach of the rules, either orally or in writing;
- Provided an opportunity to address the breach, either orally or in writing; and
- Informed of any subsequent decision, complete with reasons for the decision, either orally or in writing.

Any such decision is in keeping with the Medical Panels Program statutory control over its own processes.

In addition, the Medical Panels Program may:

- Report the inappropriate behaviour to the Law Society
- Report the inappropriate behaviour to the College of Physicians and Surgeons; and/or
- Apply to the court to enforce any such restrictions.