



Province of Alberta

WORKERS' COMPENSATION ACT

MEDICAL PANELS REGULATION

Alberta Regulation 21/2018

With amendments up to and including Alberta Regulation 264/2020

Current as of April 1, 2021

Office Consolidation

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(Consolidated up to 264/2020)

ALBERTA REGULATION 21/2018

Workers' Compensation Act

MEDICAL PANELS REGULATION

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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- (g) repealed AR 264/2020 s2.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

2(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 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*.



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