



Province of Alberta

WORKERS' COMPENSATION ACT

MEDICAL PANELS REGULATION

Alberta Regulation 21/2018

Extract

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ALBERTA REGULATION 21/2018

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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 and includes any Deputy Medical Panels Commissioner appointed under section 46.2(2) of the Act;

- (g) “Medical Panels Office” means the Medical Panels Office established under section 46.2(1) under the Act.

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 Office 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.

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 Office 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 Office 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.

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 Office

- (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 Office, 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.

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.

Establishing a roster for independent medical examinations

7(1) If the Board requires a worker to undergo a medical examination under section 38(1) of the Act, the Board shall notify the worker and the Medical Panels Office.

(2) The Medical Panels Office, in consultation with the College of Physicians and Surgeons, shall establish a roster of physicians qualified to conduct a medical examination referred to in section 38(1) of the Act.

(3) In accordance with any procedures established under subsection (5), the worker shall select one or more physicians from the roster referred to in subsection (2) to perform the medical examination.

(4) If the worker fails to make a selection under subsection (3), or if none of the physicians selected by the worker in subsection (3) is able to conduct the medical examination, a physician from the roster shall be selected on behalf of the worker in accordance with procedures established under subsection (5).

(5) The Medical Panels Office may establish

- (a) criteria with respect to the establishment of a roster for the purpose of section 38(1) of the Act, and
- (b) procedures respecting the selection of a physician from the roster for the purpose of section 38(1) of the Act.

Case conferences procedures

8 The Medical Panels Office may establish procedures relating to case conferences.

Remuneration

9 The members of a medical panel, participants in a case conference and a claimant's treating physician who participates in the proceedings referred to in this Regulation shall be paid remuneration and expenses under section 46.2(9) of the Act at the rates set by the Medical Panels Office.

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*.



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