FACT SHEET

Saskatchewan Workers' Compensation Board

200-1881 Scarth St., Regina, SK S4P 4L1
Phone: 306.787.4370
Toll free: 1.800.667.7590
wcbsask.com

Medical Review Panel

A Medical Review Panel is a panel of health-care providers. The Medical Review Panel is the final step in the appeal process for workers or a deceased worker's dependant. The Medical Review Panel may be an option for a worker or a deceased worker's dependant when there are questions around a medical decision about a worker. The appeals department and the Board Appeal Tribunal (the tribunal) can only consider a request for a Medical Review Panel after hearing the worker's or deceased worker's dependant's appeal.

You cannot use a Medical Review Panel to appeal decisions about claim adjudication. If the Saskatchewan Workers' Compensation Board (WCB) does not accept a claim, you cannot request a Medical Review Panel. A Medical Review Panel can also only proceed in relation to an area of the body that the WCB has accepted. The decision of a Medical Review Panel is binding on the worker and the WCB.

The WCB's legislation, *The Worker's Compensation Act, 2013* (the Act), defines:

- how you can request a Medical Review Panel
- who sits on a Medical Review Panel
- how a Medical Review Panel operates

Requesting a Medical Review Panel

WCB legislation requires a written request for a Medical Review Panel. To obtain a copy of the Worker's Request for a Medical Review Panel form to request a Medical Review Panel, please contact board services by phone: 1.800.667.7590, email: boardappeal@wcbsask.com or regular mail.

This request must indicate which of these reasons apply to your submission:

1. You have a greater functional impairment than the tribunal decided.
2. You have a greater limitation in working capacity than the tribunal decided.
3. You should receive compensation for a longer period than the tribunal allowed.
4. The tribunal based its decision on a physician's report that contained wrong or incomplete information.
5. Any combination of the reasons listed above.

The written request must also include:

- Where you want the Medical Review Panel to meet (Regina or Saskatoon). Medical review panels do not have to meet in the city where you live. The WCB will pay your travel expenses to attend the Medical

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Review Panel.

- Whether you want to see two specialists or a specialist and a chiropractor.
- Confirmation that you understand the Medical Review Panel ruling is binding on you and on the WCB.
- An enabling certificate that your health-care provider or chiropractor has completed. You can obtain a copy of an enabling certificate from our board services department. In the certificate, your health-care provider or chiropractor will need to:
    - Identify the medical question from the tribunal's decision that they disagree with.
    - Indicate the reasons they disagree with this medical decision.
    - Provide enough detail to clearly define the issue, including the medical evidence that supports their position.

The health-care provider or chiropractor completing the enabling certificate can contact the WCB's chief medical officer or board services if they have questions about filling in the enabling certificate.

Please email your request and enabling certificate to boardappeal@wcbsask.com or mail the request and enabling certificate to the board services department at:

Saskatchewan Workers' Compensation Board
Attention: board services department
200-1881 Scarth St.
Regina, SK S4P 4L1

Injured Worker Appeal Services may help you to complete your written request:

Injured Worker Appeal Services
300-1870 Albert St.
Regina, SK S4P 4W1
Phone: 306.787.2456
Toll free 1.877.787.2456
Fax: 306.787.0249
Website: saskatchewan.ca/business/safety-in-the-workplace/assistance-for-wcb-claims-and-appeals

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Medical Review Panel process

Step one

The tribunal will review the written request and the enabling certificate from a health-care provider or chiropractor. The tribunal will then determine if the request is based on one or more of the four reasons for a Medical Review Panel outlined in the Act.

The tribunal will provide a written decision if the Medical Review Panel can proceed. If proceeding, the tribunal will notify the pre-injury employer that a Medical Review Panel will be taking place. If the tribunal finds that the enabling certificate does not qualify, the tribunal will provide a written decision to you or the deceased worker's dependant, along with a blank new enabling certificate.

You may provide a new enabling certificate completed by a health-care provider or chiropractor to board services to start the Medical Review Panel process again. If a health-care provider or chiropractor charges a fee for completion of the enabling certificate, the WCB will reimburse reasonable costs after receiving an invoice.

Step two

If the enabling certificate qualifies, board services will provide you or the deceased worker's dependant a list of specialists, or specialists and chiropractors, who practice in the field related to the injury in question. You can choose either two specialists or one chiropractor and one specialist for the panel.

To avoid delays, you or the deceased worker's dependant may provide the top four choices of specialists or specialists and chiropractors for the panel. You should provide the top four choices to board services ranked in order of preference. An assistant to the board (from the board services department) will begin contacting the selected persons in order of preference to ask if they are interested in sitting on the panel.

If each of the top four choices of selected persons decline to sit on the panel, the assistant of the board will ask you to make more specialist or chiropractor choices from the list provided. The assistant to the board will continue to reach out to the selected persons you or the deceased worker's dependant selected until two specialists or one specialist and one chiropractor agree to participate.

The WCB will select the chairperson of the panel in consultation with the Saskatchewan Medical Association.

Any health-care provider or chiropractor who filled out the enabling certificate, provided an adverse opinion or is in a conflict of interest cannot be on the panel.

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Step three

The chairperson will contact the other two panel members to set a date, time and location for the panel examination. Once a date is set, board services will notify you of the date, time and location and will also provide the Medical Review Panel members with documents from the claim file.

While the Medical Review Panel usually examines you in person, you can make a request for a virtual examination. In the case of a virtual examination, one of the panel members must attend the examination with you in person to perform an examination.

If applicable, board services will authorize your travel expenses for the examination in Regina or Saskatoon. The Medical Review Panel may also arrange tests required to reach a decision. The Medical Review Panel sets its own procedure once all three panelists are in place.

If the deceased worker's dependant requests the panel, the chairperson will contact the other two panel members to set a date and time to discuss the medical documentation received from the WCB. Panel members will discuss the documentation and reach a consensus on the six questions they must answer for a Medical Review Panel.

Step four

The Medical Review Panel sends the WCB a certificate of decision after the panel examination is complete. This certificate must include:

a. The condition of the worker.
b. The worker's fitness for employment.
c. The cause of the worker's inability to work if the Medical Review panel finds the worker unfit to work.
d. The nature and degree of any limitation in the worker's capacity to work caused by the work-related injury.
e. The extent of any permanent functional impairment of the worker caused by the work-related injury based on the American Medical Association Guides to the Evaluation of Permanent Impairment (AMA Guides).
f. Any further medical matters that any member of the Medical Review Panel considers to be relevant to the claim.

Board services will return the certificate to the Medical Review Panel for clarification if it does not address all of the above items. A complete certificate of decision is binding on you or the deceased worker's dependant and the WCB.

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Step five

Board services will send you or the deceased worker's dependant a written notice of the panel's decision within 10 days of receipt of the panel's decision. The chairperson and members of the Medical Review Panel will either destroy the documents they receive from the WCB for the Medical Review Panel or return the documents to the WCB for destruction, within one month of the panel examination.