

## In This Issue

### From the Desk of...

Request for Panel  
QME. . .

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## From the Desk of...

The Medical Unit is spending a lot of time reviewing the requests for a Panel QME. They very carefully look at the dispute letters. They analyze what is being disputed. They then decide whether the request should be granted or not. Sometimes a claim is denied within the first 90 days for reasons other than a medical basis. In fact, sometimes the denial is sent out because there is no supporting medical basis for the injury. The denial can also be sent out based upon an affirmative defense such as a post termination claim that is sometimes barred under Labor Code Section 3600. The problem is if a claim has been denied and a request is being sent in for a QME Panel based upon a dispute under Labor Code Sections 4061 and 4062, the Medical Unit is rejecting the requests for a panel without more specificity. The Medical Unit is of the opinion that once a claim is denied, then a panel is no longer available on the issue of AOE/COE. A panel may be available for all other regular issues such as ongoing TTD status, need for future medical care, or evidence of permanent disability.

In almost every case there will be issues regarding



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TTD status, need for medical treatment, as well as level of permanent disability. When the dispute letter is being sent to opposing counsel the Medical Unit prefers that these issues be spelled out in the letter. The Medical Unit also requires that these issues be spelled out in the request that is being sent to them for the panel.

While I think that the Medical Units efforts are laudable, I think that the unit is putting form over substance in some of its rejections of panel requests. If a dispute has been identified as a dispute "pursuant to Labor Code Sections 4061 and 4062", then all of the areas are technically identified. This includes the claim for TTD benefits, need for ongoing medical care, as well as permanent disability. I think it is akin to a Simon says requirement. Be that as it may, the request can easily

include verbiage which identifies the dispute as ongoing TTD, need for future medical care and permanent disability.

In a denied claim the defendants can still get their Panel QME as noted above. A very careful filling out of the panel request must be done. The dispute letter should also include all of the issues being disputed.