

# Medical panels

Medical panels provide WCB-Alberta and the Appeals Commission with an impartial, independent decision-making process to resolve medical issues that affect a claimant's right to compensation.

## Process

The Medical Panel process is designed to resolve medical issues through evidence-based decisions, achieved through consensus of a three member Medical Panel. The physicians are chosen based on their expertise in dealing with and answering the issues under review. The Medical Panel is administered by a Medical Panel Commissioner, an independent physician appointed by the Minister, who has no role in WCB-Alberta claims and whose independence is subject to review by the Auditor General. The Panel Commissioner is responsible for the overall operation of the Medical Panel process.

The Medical Panel decision is binding on all parties. The Panel is expressly directed to reach a consensus-based decision.

Medical Panels are initiated by any one of the following:

- a request from WCB-Alberta
- a request by the Appeals Commission

## Difference in medical opinion

A medical opinion is provided by a physician and is a full statement of the facts, medical evidence and reasons supporting a medical conclusion.

To evaluate a discrepancy between medical opinions, WCB-Alberta considers whether:

- the issue is material and substantial to the claim
- the physicians involved are in possession of the same facts
- the opinions relate to the same time frame
- there is a reasonable similarity of expertise between the physicians involved in the medical issue in question

Where WCB-Alberta determines there is a "difference of medical opinion," WCB-Alberta will attempt to resolve the difference through other means such as a consultation with the treating physician or an Independent Medical Exam. If the difference remains unresolved, a Medical Panel will be considered.

## Choosing the physicians for the Medical Panel

Files requiring a Medical Panel are sent to the Panel Commissioner. The Panel Commissioner prepares a "case eligibility list" from a "general eligibility list" prepared and approved by the College of Physicians and Surgeons of Alberta. The Panel Commissioner takes into consideration the physician's eligibility, availability and willingness to participate. Once the eligibility list has been prepared, the claimant, the employer and WCB-Alberta each have the opportunity to choose one physician from the case eligibility list to participate on the Medical Panel. The panel chairperson is chosen by the commissioner.

The Panel Commissioner will choose a panel member on behalf of the employer if:

- the claimant is self-employed
- the claimant is a member of the family (see s.1(1)(q) of the Act - <http://www.wcb.ab.ca/public/policy/legislation.asp>) of the employer
- the claimant is a partner in, or Registered Director of, the firm that is the employer
- the employer has ceased to carry on business in the industry in which the injury occurred

The Panel Commissioner will also choose a panel member if any of the claimant, employer or WCB-Alberta does not select a physician within a given timeframe.

### Serving on a Medical Panel

To serve on a Medical Panel, the physician must be a registered practitioner under the Medical Profession Act or have a similar status under similar legislation in a jurisdiction outside of Alberta. A physician with a potential conflict of interest is not eligible to be part of the Medical Panel. This includes:

- the treating physician
- the consulting physician
- a physician who provides medical services to the employer or claimant
- a physician with a close family relationship
- an associate of  any of the above, unless there are no other options within Alberta, and it would not create a conflict of interest

### Medical Panel responsibilities

The Medical Panel reviews the medical information and may:

- interview or examine the claimant
- invite the treating physician or MD to advocate or provide input
- request additional investigation, consultation, etc.

Following review of the relevant information, the Medical Panel provides a written consensus report addressing the medical questions posed.

*\*The term physician is defined as a physician who is a registered practitioner under the Medical Profession Act, or has a similar status under similar legislation in a jurisdiction outside of Alberta.*