

WAC 296-856-30040 Multiple LHCP review.

IMPORTANT:

• This section applies each time a medical examination or consultation is performed to determine whether medical removal or restriction is required.

(1) You must promptly notify employees that they may seek a second medical opinion from an LHCP of their choice, each time a medical examination or consultation is conducted by an LHCP selected by the employer to evaluate medical removal.

At a minimum, this notification must include the details of your multiple physician review process.

Note: Notification may be provided in writing or by verbal communication.

(2) You must complete requirements in the multiple LHCP review process once you have been informed of an employee's decision to seek a second medical opinion.

(3) You must pay for and complete the multiple LHCP review process for employees who:

(a) Inform you in writing or by verbal communication that they will seek a second medical opinion.

(b) Initiate steps to make an appointment with the LHCP they select. This LHCP will be referred to as the second LHCP.

(c) Fulfill the previous actions to inform you, and initiate steps for an appointment, within fifteen days from receiving either your notification or the initial LHCP's written opinion, whichever is received later.

Note: This process allows for selection of a second LHCP and, when disagreements between LHCPs persist, for selection of a third LHCP.

Multiple LHCP review process:

Step 1: Make sure the information required by Step 4 of the medical evaluation process is received by the second LHCP. This process is located in the section, Medical and emergency evaluations, WAC 296-856-30020.

- This requirement also applies when a third LHCP is selected.

Step 2: Allow the second LHCP to:

- Review findings, determinations, or recommendations from the original LHCP you selected;

AND

- Conduct medical examinations, consultations, and laboratory tests as necessary to complete their review.

Step 3: Obtain a written opinion from the second LHCP and make sure the employee receives a copy within five business days from the date you receive it. If findings, determinations, and recommendations in the written opinion are:

- Consistent with the written opinion from the initial LHCP, you can end the multiple physician review process. Make sure you follow the LHCP's recommendations.

- Inconsistent with the written opinion from the initial LHCP, then you and the employee must make sure efforts are made for the LHCPs to resolve any disagreements.

■ If the LHCPs quickly resolve disagreements, you can end the multiple physician review process. Make sure you follow the LHCP's recommendations.

■ If disagreements are not resolved within thirty business days, continue to Step 4.

Step 4: You and the employee must work through your respective LHCPs to agree on the selection of a third LHCP, or work together to designate a third LHCP to:

- Review findings, determinations, or recommendations from the initial and second LHCP;

AND

- Conduct medical examinations, consultations, and laboratory tests as necessary to resolve disagreements between the initial and second LHCP.

Step 5: Obtain a written opinion from the third LHCP and make sure the employee receives a copy within five business days from the day you receive it.

- Follow the third LHCP's recommendations, unless you and the employee agree to follow recommendations consistent with at least one of the three LHCPs.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 18-22-116, § 296-856-30040, filed 11/6/18, effective 12/7/18; WSR 06-08-087, § 296-856-30040, filed 4/4/06, effective 9/1/06.]