

WAC 296-23-337 For what reasons shall the department's medical director or designee suspend or terminate approval of an independent medical examination (IME) examiner or firm? To ensure high quality independent medical examinations (IMEs), the department's medical director or designee may, in the situations described below, terminate, suspend, or inactivate approval of examiners or firms (partnerships, corporations, or other legal entities) that derive income from IMEs. IME providers must have an active provider account number to perform IMEs or provide IME related services.

FOR EXAMINERS:

(1) **AUTOMATIC TERMINATION.** The department's medical director or designee may terminate approval of examiners in situations including, but not limited to, the following:

(a) Their license has been revoked in any jurisdiction.

(b) A final order or stipulation to informal disposition has been issued against the examiner by a state authority in any jurisdiction including, but not limited to, the Washington state department of health, when such charges involve conduct or behavior as defined in chapter 18.130 RCW, Uniform Disciplinary Act. These include, but are not limited to:

(i) Sexually inappropriate conduct, behavior or language.

(ii) Behavior that puts a patient's safety or well-being at risk.

(c) The examiner has committed perjury or falsified documents provided to the department or insurer.

(d) The examiner has a criminal felony history in any jurisdiction.

(e) The examiner has failed to reapply every three years or when required.

(2) **AUTOMATIC SUSPENSION.** The department's medical director or designee may suspend approval of examiners in situations including, but not limited to, the following listed below. The department will initiate a review within ninety days of notification. The results of the review will determine if further action is necessary, which may include termination of approval status.

(a) The examiner has failed to meet or maintain the requirements for approval as an IME examiner.

(b) The examiner's license or Drug Enforcement Administration (DEA) registration has been restricted in any jurisdiction. Exceptions may be granted for any restriction or offense deemed by the department to be of a minor or clerical nature.

(c) The examiner has lost hospital privileges for cause.

(d) A statement of charges has been filed against the examiner by a state authority in any jurisdiction, including, but not limited to the Washington state department of health, when such charges involve conduct or behavior as defined in chapter 18.130 RCW, Uniform Disciplinary Act. These include, but are not limited to:

(i) Sexually inappropriate conduct, behavior or language.

(ii) Behavior that puts a patient's safety or well-being at risk.

(e) The examiner has any pending or history of criminal charges or violation of statutes or rules by any administrative agency, court or board in any jurisdiction.

(3) **OTHER EXAMINER ACTIONS.** In addition to automatic terminations and suspensions described in subsections (1) and (2) of this section, the department's medical director or designee may consider any of the following factors in determining a change in status for examiners. These status changes include temporarily unavailable, suspension or termination of the approval to conduct IMEs.

These factors include, but are not limited to:

(a) Substandard quality of reports, failure to comply with current department policy on report contents, or inability to effectively convey and substantiate medical findings, opinions, and conclusions, concerning workers.

(b) Unavailable or unwilling to testify on behalf of the department, worker, or employer.

(c) Failure to cooperate with attorneys representing a party in industrial insurance litigation at the board of industrial insurance appeals (board) by not cooperating in a timely manner to schedule preparatory activities and/or testimony during business hours and within the dates and locations ordered by the board to complete testimony.

(d) Failure to stay current in the area of specialty and in the areas of impairment rating, performance of IMEs, industrial injury and occupational disease/illness, industrial insurance statutes, regulations and policies.

(e) Substantiated complaints or pattern of complaints about the provider.

(f) Other disciplinary proceedings or actions not listed in subsections (1) and (2) of this section.

(g) Other proceedings in any court dealing with the provider's professional conduct, quality of care or criminal actions not listed in subsections (1) and (2) of this section.

(h) Untimely reports.

(i) Unavailable or unwilling to communicate with the department in a timely manner.

(j) Misrepresentation of information provided to the department.

(k) Failure to inform the department of changes or actions that may affect the approval status as an IME examiner.

(l) Failure to comply with the department's orders, statutes, rules, or policies.

(m) Failure to accept the department fee schedule rate for independent medical examinations, testimony, or other IME related services.

(n) Any pending action in any jurisdiction.

FOR FIRMS:

(4) **AUTOMATIC TERMINATION.** The department's medical director or designee may terminate approval of firms when they fail to reapply every three years.

(5) **AUTOMATIC SUSPENSION.** The department's medical director or designee may suspend approval of firms in situations including, but not limited to, those listed below. The department will review the matter to determine if further action is necessary, which may include termination of approval status.

(a) The firm no longer meets requirements for approval as an IME provider.

(b) The firm's representative has committed perjury or falsified documents provided to the department or insurer.

(c) A firm representative's behavior has placed a patient's safety or well-being at risk.

(6) **OTHER FIRM ACTIONS.** In addition to automatic terminations and suspensions described in subsections (4) and (5) of this section, the department's medical director or designee may consider any of the following factors in determining a change in status for firms. These status changes include temporarily unavailable, suspension or termination of the approval to provide IME related services.

These factors include, but are not limited to:

- (a) Substantiated complaints or pattern of complaints about the firm.
- (b) Other disciplinary proceedings or actions not listed in subsections (4) and (5) of this section.
- (c) Other proceedings in any court dealing with the provider's professional conduct, quality of care or criminal actions not listed in subsections (4) and (5) of this section.
- (d) Untimely reports.
- (e) Unavailable or unwilling to communicate with the department in a timely manner.
- (f) Misrepresentation of information provided to the department.
- (g) Failure to inform the department of changes affecting the firm's status as an IME provider.
- (h) Failure to comply with the department's orders, statutes, rules, or policies.
- (i) Failure to accept the department fee schedule rate for independent medical examinations and services.
- (j) Any pending action in any jurisdiction.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.112, 51.32.114, 51.32.055, 51.36.060, 51.36.070. WSR 13-03-129, § 296-23-337, filed 1/22/13, effective 2/25/13; WSR 11-01-069, § 296-23-337, filed 12/10/10, effective 1/10/11. Statutory Authority: RCW 51.32.055, 51,32,112 [51.32.112], 51.32.114, 51.36.060, and 51.36.070. WSR 09-24-085, § 296-23-337, filed 11/30/09, effective 3/1/10; WSR 04-04-029, § 296-23-337, filed 1/27/04, effective 3/1/04.]