

DWC RESPONDS.....

This DWCNewsline addresses both telehealth and cancellation of appointments.

Unfortunately, one needs to read down to the fourth paragraph to learn that the DWC agrees under present circumstances, QMEs "may assert that they had good cause to (cancel appointments within six days)."

This vital information reinforces the need for cooperation from all parties involved and level heads must prevail.

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## **DWC Provides Guidance on Medical Evaluations During State of Emergency Period**

The Division of Workers' Compensation (DWC) appreciates the efforts of the workers' compensation community to provide care for injured workers during the COVID-19 pandemic. Of paramount importance is that everyone follow all guidance from the Governor as well as federal, state and local public health agencies regarding COVID-19.

After adherence to all public health guidance and orders, DWC encourages all parties to consider creative solutions appropriate to providing care to injured workers. The increased use of telehealth services for medical treatment may be appropriate.

The [California Business and Professions Code section 2290.5](#) requires that "...the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented."

DWC is currently evaluating the feasibility of telemedicine for QME evaluations and will continue to do so. The use of telemedicine for a QME evaluation may be appropriate where all parties agree that there is a medical issue in dispute which involves whether or not the injury is AOE/COE (Arising Out of Employment / Course of Employment), and all parties to the action, including the physician, agree to a telemedicine evaluation in order to resolve this dispute. Although DWC is not authorizing any particular course of action, the division recognizes that in this time of medical emergency, creative delivery methods of essential medical treatment and evaluation services may be needed.

DWC realizes that QME appointments may be affected. When cancelling or rescheduling an appointment, please document the reason in the file and inform all parties as soon as possible. Given the current COVID-19 emergency, QMEs that cancel appointments fewer than 6 business days before an appointment may assert that they had good cause to do so. The current state of emergency regarding the COVID-19 pandemic presents serious public health concerns, and parties and evaluators are encouraged to work together to take any action that may be necessary to protect the health of doctors, their staff and injured workers.

Upcoming QME Examination:

The QME examination scheduled for April 18, 2020 will be postponed. The exam will be rescheduled and a new date will be announced.