

Medical Review Panel

A Medical Review Panel is a panel of health-care providers. The Medical Review Panel is the final step in the appeal process for workers or a deceased worker's dependant. The Medical Review Panel may be an option for a worker or a deceased worker's dependant when a medical decision about a worker is questioned. A Medical Review Panel can only be requested after a worker's or deceased worker's dependant's appeal has been heard by the appeals department and the Board Appeal Tribunal (tribunal).

A Medical Review Panel cannot be used to appeal decisions about claim adjudication. If the Saskatchewan Workers' Compensation Board (WCB) has not accepted a claim, a Medical Review Panel cannot be granted. A Medical Review Panel can also only proceed in relation to an area of the body that has been accepted by the WCB. The decision of a Medical Review Panel is binding on the worker and the WCB.

Our legislation, [The Worker's Compensation Act, 2013](#) (the Act), defines:

- How a Medical Review Panel is requested.
- Who sits on a Medical Review Panel.
- How a Medical Review Panel operates.

Requesting a Medical Review Panel

Our legislation requires a written request for a Medical Review Panel. To obtain a copy of the Worker's Request for a Medical Review Panel form to request a Medical Review Panel, please contact board services by phone: 1.800.667.7590, email: boardappeal@wcbask.com or regular mail.

This request must tell us which of these reasons apply to your submission:

1. You have a greater functional impairment than was decided by us.
2. You have a greater limitation in working capacity than was decided by us.
3. You should receive compensation for a longer period than the period allowed by us.
4. Our decision was based on a physician's report that was wrong or incomplete.
5. Any combination of the reasons listed above.

The request must also include an enabling certificate completed by your doctor or chiropractor. You can obtain a copy of an enabling certificate from our board services department. In the certificate, your doctor or chiropractor will need to:

- Identify the medical question from the tribunal's decision that they disagree with.
- Indicate the reasons they disagree with this medical decision.

- Provide either medical research that supports their position or the opinion of another physician which supports their position. Assumptions on how the injury may have happened cannot be accepted. The information provided must demonstrate why they are asserting that there is a cause and effect relationship between the work injury and the ongoing symptoms.

The written request must also include:

- Where you want the Medical Review Panel to be held (Regina or Saskatoon). Medical Review Panels do not have to be held in the city where you live. The WCB will pay your travel expenses to attend the Medical Review Panel.
- If you want to be seen by two specialists, or a specialist and a chiropractor.
- Confirmation that you understand the Medical Review Panel ruling is binding on you and on the WCB.

The doctor or chiropractor completing the enabling certificate can contact our chief medical officer or board services if they have questions about filling in the certificate.

Please email your request and enabling certificate boardappeal@wcbask.com or mail the request and enabling certificate to the board services department at:

Saskatchewan Workers' Compensation Board
Attention board services department
200-1881 Scarth St.
Regina, SK S4P 4L1

The Injured Worker Appeal Services may help you to complete your written request:

Injured Worker Appeal Services
300-1870 Albert St. Regina,
SK S4P 4W1
Phone: 306.787.2456
Toll free 1.877.787.2456
Fax: 306.787.0249
Website: saskatchewan.ca/business/safety-in-the-workplace/assistance-for-wcb-claims-and-appeals

Medical Review Panel process

Step one

The tribunal will review the written request and the enabling certificate from a doctor or chiropractor. The tribunal will then determine if the request is based on one or more of the four reasons for a Medical Review Panel outlined in the Act.

The tribunal will provide a written decision on if the Medical Review Panel can proceed. If proceeding, the pre-injury employer will be notified that a Medical Review Panel will

be taking place. If the tribunal finds that the enabling certificate does not qualify, the tribunal will provide a written decision to you or your dependant, along with a blank new enabling certificate.

Provide a new enabling certificate completed by a physician to board services to start the Medical Review Panel process again. If a physician charges a fee for completion of the enabling certificate, the WCB will reimburse reasonable costs after receiving an invoice.

Step two

If the enabling certificate qualifies, board services will provide you or your dependant a list of specialists, or specialists and chiropractors, who practice in the field related to the injury in question. Either one chiropractor and one or two specialists can be chosen for the panel.

To avoid delays, you or your dependant may provide your top four choices of physicians for the panel. The top four choices should be provided to board services ranked in order of preference. An assistant to the board (from the board services department) will begin contacting the physicians in order of preference to ask if they would be interested in sitting on the panel.

If each of the top four choices of physicians declines to sit on the panel, the assistant of the board will ask you to make more physician choices from the list that has been provided. The assistant to the board will continue to reach out to the physicians you or your dependant have selected until there are two physicians who agree to participate.

The WCB will select the chairperson of the panel in consultation with the Saskatchewan Medical Association.

Any physician who filled out the enabling certificate, provided an adverse opinion or is in a conflict of interest cannot be on the panel. The tribunal will provide a written decision regarding a physician's eligibility as a panel member and their ability to perform the assessment without bias or the perception of bias. This is in accordance with the principles of natural justice.

Step three

The chairperson will contact the other two panel members to set a date, time and location for the panel examination. Once a date is set, board services will notify you of the date, time and locations and will also provide the Medical Review Panel members with all relevant documents from the claim file.

While the Medical Review Panel usually examines you in person, a request can be made for a virtual examination. In the case of a virtual examination, one of the panel members must still be physically present with you to perform an examination.

If applicable, travel expenses, authorized by board services, will be issued to you for

travel to Regina or Saskatoon for the examination. The Medical Review Panel may also arrange tests that are required to reach a decision. The Medical Review Panel sets its own procedure once all three panelists are in place.

If the panel is being established on behalf of a deceased worker's dependant, the chairperson will contact the other two panel members to set a date and time to discuss the medical documentation received from the WCB and come to a consensus regarding the six questions they are tasked with answering for a Medical Review Panel.

Step four

The Medical Review Panel sends the WCB a certificate of decision after the panel examination has been completed. This certificate must include:

- Your condition and fitness for employment.
- Why you cannot work, if the panel found the you unfit to work.
- The nature and degree of any limitation in capacity to work caused by the injury the Medical Review Panel reviewed.
- The extent of any permanent functional impairment caused by the injury the Medical Review Panel reviewed.
- Any other medical matters that any member of the Medical Review Panel considers are associated with the claim.

Board services will return the certificate to the Medical Review Panel for clarification if it does not address all of the above items. A complete certificate of decision is binding on you or your dependant and the WCB.

Step five

Board services will send you or your dependant a written notice of the panel's decision within 10 days of receipt of the panel's decision. The chairperson and members of the Medical Review Panel will either destroy the documents they received from the WCB for the Medical Review Panel or return the documents to the WCB to be destroyed within one month of the panel examination.