



January 2010

THE IC

Medi Scene

Ohio | Industrial Commission

Keeping You Up-to-Date with the Industrial Commission

## Get to Know Commissioner Kevin R. Abrams

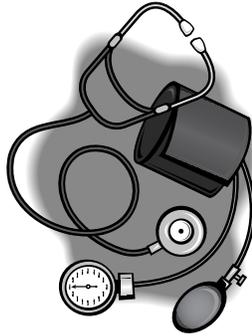
Kevin brings a wealth of workers' compensation experience to his role as Industrial Commissioner, including service as a staff attorney and Assistant Law Director for the Ohio Bureau of Workers' Compensation. He has extensive experience with self-insuring employers, which serves him well as the Chairman of the Self-Insuring Employers Evaluation Board, included in his responsibilities as the public member of the Industrial Commission.

In 1982, Kevin received his law degree from the Ohio State University College of Law. While in law school, Kevin was a member of the Ohio State Law Journal.

As Assistant Law Director for BWC since 1988, Kevin provided legal advice to BWC in virtually all areas of workers' compensation. His primary areas of responsibility included oversight of administrative and court settlements of BWC claims, self-insurance legal issues, bankruptcy and collection matters, and special projects involving claims issues. Additionally, Kevin served as Chairperson of the Self-Insured Review Panel (SIRP), liaison to Attorney General and Special Counsel for court cases, and as a frequent contact with the IC regarding interagency issues. Kevin addressed complicated claims issues in various areas such as permanent total disability, Disabled Workers' Relief Fund, and violations of specific safety requirements. Kevin is also a frequent lecturer on workers' compensation issues.

He is the public member of the OSBA Workers' Compensation Specialty Board.

## Examining the Issues - Impartiality



The Industrial Commission (IC) requests independent medical examinations to assist in its consideration of an Injured Worker's application for a determination

of Permanent Total Disability. This is a unique circumstance in the Ohio workers' compensation system where the IC requests medical evidence formulated by an impartial examiner.

So what does it mean to be impartial? Let's look at the guidelines:

- These examinations are to be performed by physicians and psychologists who hold no bias with respect to the Injured Worker, the employer, or the workers' compensation system.
- Examiners are excluded from performing specialist examinations when they have examined the Injured Worker or reviewed the claim file for the employer, the Injured Worker, the Bureau of Workers' Compensation or the Industrial Commission within three years of the filing date of an application for permanent total disability.

- Physicians and psychologists are also excluded from performing specialist examinations when they have a contractual relationship with the Injured Worker, employer, or their representative, or have been the physician of record for the Injured Worker.
- Physicians or psychologists performing examinations for the Commission may not communicate with the Injured Worker other than during the examination.
- Additionally, they may not communicate with the employer, or representatives of the Injured Worker or employer.
- Physicians or psychologists may not accept the examined Injured Worker into treatment.
- Commission examinations are independent examinations. No authorization for treatment of the Injured Worker is implied or given in the Commission's request for examinations.
- The IC will not preferentially choose one examiner over another for any reason other than specialty or location.

If you find that you do not meet the impartiality requirements for an IC examination, then you should decline to examine the Injured Worker and contact Medical Services immediately. The Injured Worker will then be rescheduled with an impartial examiner.

### Did you Know?

The Ohio Workers' Compensation System is administered by two separate agencies, the Bureau of Workers' Compensation (BWC), and the Industrial Commission (IC). BWC is the administrative branch, responsible for collecting premiums, managing claims, and paying medical expenses and benefits. The IC is the adjudicatory branch, and is responsible for providing a fair and impartial forum for claims resolution, conducting hearings on disputed claims, adjudicating claims involving employers' violations of specific safety requirements, and determining eligibility for permanent total disability benefits.

## Continuing education review questions MediScene Jan10

1. Which of the following are true?
  - A. The Industrial Commission (IC) and Bureau of Workers' Compensation (BWC) represent a combined agency with shared responsibilities administrating the workers' compensation system in Ohio.
  - B. BWC determines eligibility for permanent total disability benefits in Ohio.
  - C. The IC is responsible for paying medical expenses and benefits.
  - D. The IC and BWC are separate agencies, with distinct and well-delineated responsibilities.
2. Specialists are excluded from performing examinations for the IC if in the three years preceding application for permanent total disability they have examined the Injured Worker or reviewed the claim file for which of the following entities?
  - A. The employer.
  - B. The Injured worker.
  - C. BWC.
  - D. The IC.
  - E. All of the above.
3. The examining specialist in an IC examination can accept the Injured Worker into treatment after the examination only if it is deemed necessary and in the Injured Worker's best interest by
  - A. The Injured Worker.
  - B. The Physician of Record.
  - C. The Industrial Commission.
  - D. BWC.
  - E. All of the above.
  - F. None of the above.
4. If the examining physician discovers that they do not meet the impartiality requirements for an IC examination, then he or she should
  - A. Call the Injured Worker and cancel the appointment, making sure to explain the reason.
  - B. Perform the examination, but explain to the Injured Worker that there might be a conflict of interest.
  - C. Have a colleague in the office perform the examination.
  - D. Decline to examine the Injured Worker, and contact IC Medical Services immediately so that the examination can be rescheduled.

(Answers: 1. D.; 2. E.; 3. F.; 4. D.)