

October 22, 2020

ACCIDENTAL DISABILITY WEBINAR: REMANDS & MEDICAL PANELS

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PART I: MEDICAL PANELS

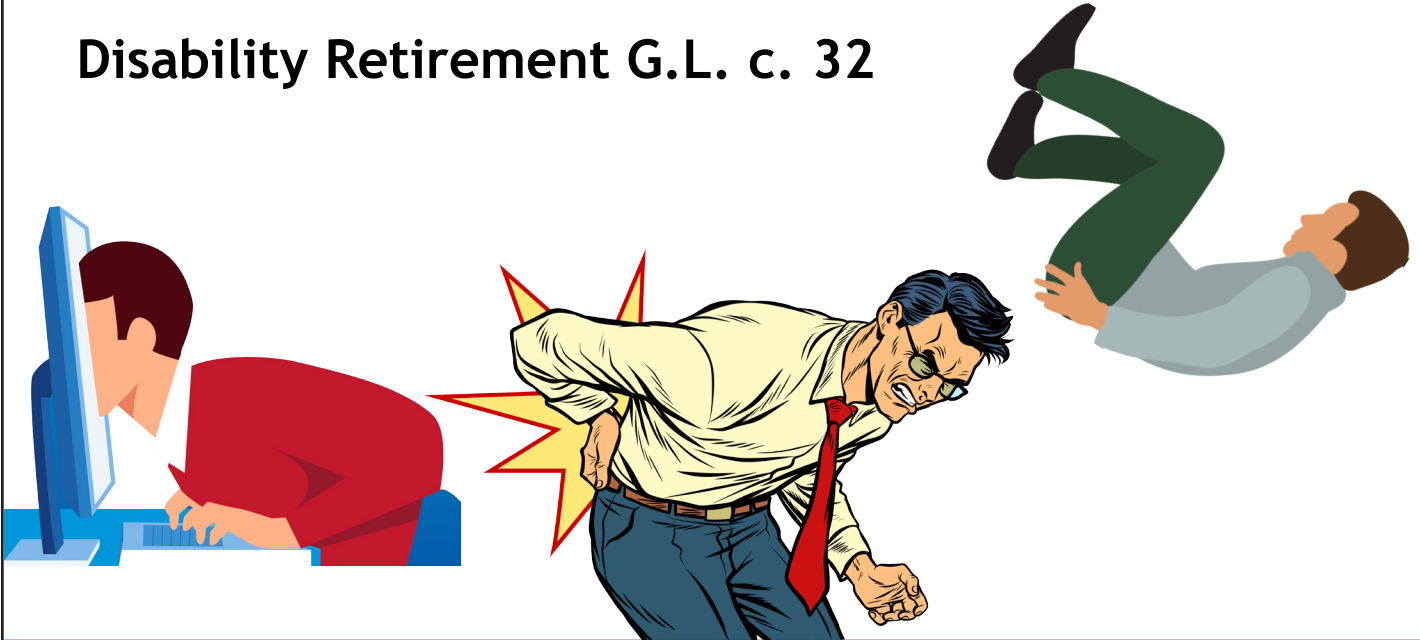


ACCIDENTAL DISABILITY: MEDICAL PANELS

Patrice Looby, R.N., Nurse Case Manager | PERAC
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Disability Retirement G.L. c. 32



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G.L. c. 32 & 840 CMR 10.00

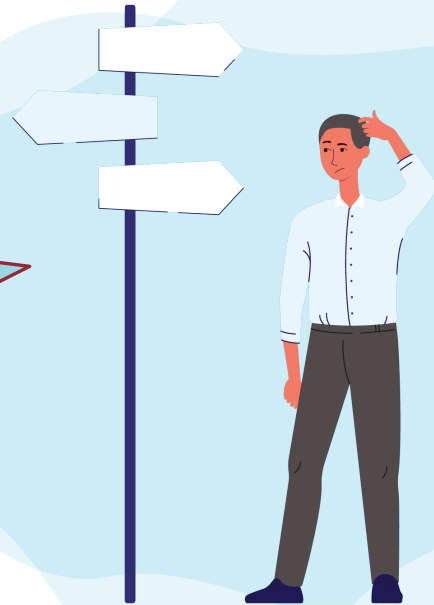
- Govern Disability Retirement
- Sections, 6 & 7
- 840 CMR 10.00 Regulates the Medical Panel Process
- Medical Panel Unit at PERAC's role is to:
 - Determine based on the information provided, that the medical panel can be convened
 - Appoint the appropriate physicians to examine the applicant
 - Provide a useable medical report for the Retirement Board

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NOTES:

Types of Retirement

Superannuation
Accidental
Ordinary
Disability



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Does the Decision to Seek Disability Impact Retirement?



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NOTES:

Post Disability Requirements G.L. c. 32, Sections 8 & 91A



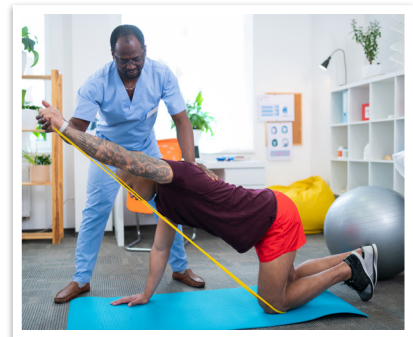
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Eligibility Requirements for Disability Retirement – G.L. c. 32, Sections 6 & 7

- Section 6: Ordinary
- Minimum 10 years
- No causal connection to position.



- Section 7: Accidental
- No minimum service requirements
- Causal connection to job

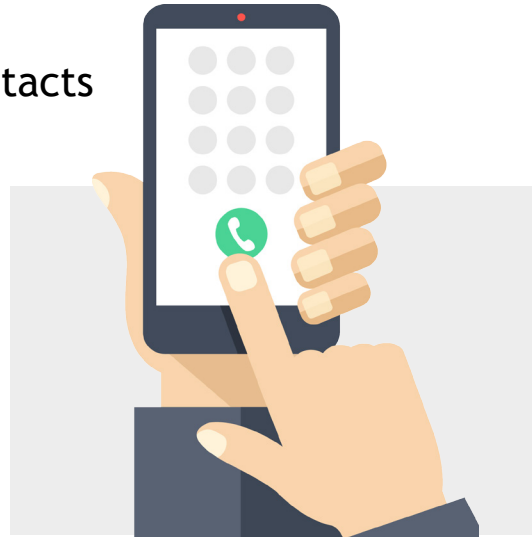


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NOTES:

The Application Process – How Does Someone Apply?

- Member of a Retirement System contacts their Retirement Board.



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What Does the Application Contain?

- Member's Application
 - Employment History
 - Release Forms
- Treating Physician's Statement
 - Supports application
 - Must answer all 3 questions
- Employer's Statement
 - Job description
 - Injury Reports
- Medical Records
 - 5 years

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NOTES:

Required Forms

Documents Required by Retirement Types

	Ordinary	Accidental	Accidental Death	Involuntary Ordinary	Involuntary Accidental	Heart, Lung, or Cancer Presumption
Application for Disability Retirement	<i>R</i>	<i>R</i>				<i>R</i>
Treating Physicians Statement	<i>R</i>	<i>R</i>				<i>R</i>
Regional Medical Panel Selection Form	<i>R</i>	<i>R</i>				<i>R</i>
Injury Reports		<i>R</i>				
Employers Statement	<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>
Official Job Description	<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>
Pre-Employment Physical						<i>R</i>
Administrative Court Decisions (if applicable)	<i>R</i>	<i>R</i>				<i>R</i>
Medical Records	<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>
HRD File						
Statement of Facts			<i>R</i>	<i>R</i>	<i>R</i>	
Death Certificate			<i>R</i>			
Medical Panel Reports			<i>R</i>			

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What are the Medical Requirements For Disability Retirement?

- Is the applicant mentally or physically incapable of performing the essential duties of his/her job as described in the current job description?
- Is said incapacity likely to be permanent?
- Is said incapacity such as might be the natural and proximate result of the personal injury sustained or hazard undergone on account of which retirement is claimed?

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NOTES:

What About An Involuntary Application? Section 16

- Differences and Similarities



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Presumptions Sections 94, 94A and 94B



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NOTES:

Medical Records



"Sure, I can talk. My desk is totally cleared off."

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Medical Records *(Continued)*

- Do we really have to copy all of these?
- Now that we have PROSPER, the board is only required to maintain one copy at the board and submit the medical records in PROSPER



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NOTES:

Organization of Medical Records

- Medical Records
 - From the last 5 years
- Organize the records based on provider
 - Facility or Physician
- 1. Reverse Chronological Order
- 2. Therapy notes in the back



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Board Decision

- Board can either:
 - Deny the application
- OR
- Submit a Request for a medical panel

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NOTES:

Your turn to decide! What do you think?

A fire fighter injured his back while rescuing a victim from a burning building. He sustained a severe, incapacitating and chronic condition and can no longer perform the essential duties of his job as a fire fighter. What type of disability should he apply for?

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Medical Opinion Section 6



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NOTES:

Medical Panel G.L. c. 32, Section 6(3)

- Who are they?
 - Board certified or Board eligible M.D.s
 - Not financially associated
 - Independent
 - Specialists in the applicant's condition
- Why does it take so long for some panels?



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Impact of Pandemic on Scheduling

- PERAC developed a waiver system for any applicant/board/employer attend a telemedicine exam during this time.
- Due to social distancing it is physically impossible to maintain social distancing and a joint panel.
- Upon receipt of the waivers PERAC schedules telemedicine exams.
- If any party does not agree in person single exams will be scheduled.

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NOTES:

Telemedicine Joint Panels

- We have now the ability to offer limited telemedicine Joint Panels.
- The format for the exam will be one physician and the applicant in the exam room, the other two physicians will participate remotely.
- We will require the waivers for these exams.
- The boards can assist PERAC moving these exams forward by contacting us @ **617-591-8956** and let us know what type of panel their applicants want.

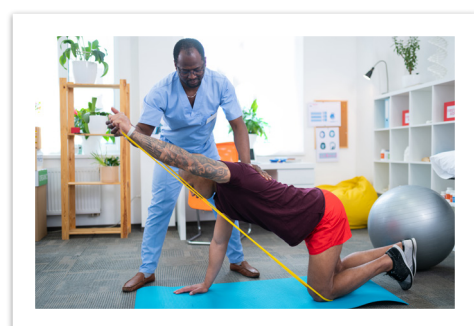
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Medical Panel

■ Joint Panel



■ Separate Exams



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NOTES:

Section 6 (3)(b) Who Can Attend?

- Since the principal purpose of the examination is to discuss and evaluate the physical condition or mental health of the member, attendance at the examination shall be limited to:
 - The member and the medical panel physician(s), the employee's physician and the employer's physician.
 - The members attorney and the employer's attorney may attend the examination
 - The member may permit the presence of other individuals, provided that their presence will not disrupt the examination

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Notification, Rescheduling and No Shows



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NOTES:

Section 6 (3)(c) Medical Reports

- PERAC's Quality Assurance
- Surveys/Complaints
- What if we do not understand?
- Differing opinions
- Clarifications



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NOTES:

COMMONWEALTH OF MASSACHUSETTS

Public Employee Retirement Administration Commission

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