

# MEMORANDUM #21, 2007

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission  
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Joseph E. Connarton, *Executive Director*

## MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Submission of Videotapes or CDs to Reviewing Physicians

DATE: March 13, 2007

Occasionally, the Commission receives requests for a reviewing doctor to consider a videotape or a CD as part of their medical evaluation. Modern technology has made these requests more prevalent in recent years, and so it is necessary to revisit our policy in regard to this phenomenon.

### Regional Medical Panels

Effective immediately, videotapes or CDs that are to be submitted to regional medical panels for consideration in connection with disability retirement applications will be treated in the same manner as any medical record sent to a medical panel. As with medical records, members of the medical panel will have the right to peruse the videotapes or CD. The relevance and medical implications of the content will be within the purview of the medical panel members.

To protect the member's rights, if a Retirement Board is sending a videotape to medical panel physicians as a part of the medical records, the Retirement Board must also send a copy of the tape to the member **prior** to the medical panel examination. This will allow the member to have an opportunity to review the videotape or CD and speak to the medical panel members about the tape if he or she deems it necessary.

The Retirement Board must include any relevant videotapes or CDs with the medical records that are being provided to the medical panel physicians. If there are three separate panels, the Retirement Board must provide a copy of the tape for all of the medical panel physicians. Any videotapes or CDs submitted to the medical panel must be clearly marked with the name of the member and the Retirement Board and must be identified in the Transmittal of Background Information to a Regional Medical Panel.

### Requests for Clarification

When a videotape or CD is submitted as part of a Request for Clarification, the Retirement Board should first forward a copy of the tape to the member so he/she is afforded an opportunity to view the video tape or CD and provide a written response to the Retirement Board. The member must submit their comments to their Retirement Board within 10 days of receiving it. The Retirement Board will then forward a Request for Clarification to PERAC, or the Medical Panel, with the member's response, a copy of the video tape or CD, and any other materials to be

reviewed. If the Retirement Board sends the request directly to the medical panel physician ( s ) , a copy of the materials must be sent to PERAC, per our usual procedure. As a practical matter, the member will not be in a position to explain the tape to the medical panel. They will however be afforded the opportunity to make their concerns known in a letter to the Retirement Board which will be reviewed by the medical panel physician (s) .

#### Comprehensive Medical Evaluation/Return to Service

As with the medical panel process, the Retirement Board should be required to send a copy of the videotape or CD to the retiree, but also to the PERAC Nurse Case Manager. The Nurse Case Manager will forward that on to the examining physician(s.) There may be unique situations with each case. Please feel free to call the Nurse Case Manager for further assistance in these matters.

If you have questions, please feel free to contact this office.

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