

MEMORANDUM #36, 2008

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission
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M E M O R A N D U M

TO: All Retirement Boards

FROM: Joseph E. Connarton Executive Director

RE: Submission of Medical Panel Requests for Clarification

DATE: November 7, 2008

As you know, 840 CMR 10.11 (2) states, “if upon review of a medical panel report by the retirement board, or in the case of separate examinations, any individual report, the retirement board determines that additional information or further clarification is needed from the medical panel, the board shall request such information from the medical panel and shall provide a copy of such request to the Commission”.

In some instances retirement boards are not providing a copy of the request to the Commission. If this does not occur, PERAC is unaware that a clarification is being requested. This presents two problems: (1) PERAC can not track the request in an effort to expedite the process; (2) the medical panel physician payment will be delayed as the medical panel physician is required to return a PERAC invoice with their response. PERAC can not provide an invoice to the physician if a copy of the Clarification Request is not submitted to PERAC.

The most time consuming aspect of the process for retirement boards is obtaining a complete medical file. All medical providers, hospitals, etc. who treated the member, must be contacted and their records submitted to the retirement board. Once a panel is appointed, it is important that document completion be as expeditious as possible.

To further reduce delays in processing time, we ask the retirement board to submit all Clarification Requests to PERAC rather than submitting them directly to the physician. PERAC has developed a tracking system which will enable PERAC staff to notify physicians 21 days following a medical panel examination and 21 days following the request of a Clarification. PERAC will contact the physician or vendor to remind them to submit reports within 30 days.

Effective December 1, 2008, PERAC is requesting that physicians/vendors provide medical panel report(s) and certificate(s) to PERAC within 30 days of examining the member. We understand there may be unique circumstances where meeting this goal will not be possible. However, the expectation is that in most instances the goal will be achieved. We also ask physician/vendor to respond to clarification request(s) within 30 days of receiving the request.

Retirement boards are reminded that 840 CMR 10.13 (1) states: “Proceedings for Disability Retirement. In proceedings for disability retirement the retirement board shall determine whether the member is eligible for disability retirement under M.G.L. c. 32, §§ 6 or 7, or under another section of general or special law, and under the standard set forth in 840 CMR 10.04. In no event shall the decision be later than 180 days after the application for disability retirement is filed unless an extension is granted by the Commission under M.G.L. c. 32, § 6(4) or § 7(6).

If we work together, we can reduce the processing time of the medical panel process and meet the 180 day time frame

established for rendering disability determinations.

Thank you for your cooperation in this regard.

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