

The Medical Arbiter Program



What is the Medical Arbiter Program?

The Medical Arbiter Program consists of physicians who perform impartial examinations of injured workers. These evaluations, known as medical arbiter examinations, help the division resolve disagreements over the impairment findings used at workers compensation claim closure. With its distinctive focus on impairment findings, the medical arbiter examination does not address compensability, treatment options, or other issues typically discussed in an independent medical examination report. The Workers' Compensation Division, part of the Department of Consumer and Business Services, administers the program.

What is the role of the arbiter physician?

As the title implies, the medical arbiter must maintain a role of impartiality, neither serving as an advocate for the injured worker nor promoting the interests of the insurer. A definitive assessment of impairment findings is established through the arbiter's written report that generally forms the basis for the division to determine a final rating of permanent disability. Physicians appreciate the neutrality associated with arbiter evaluations and many consider it a meaningful avenue of public service. Many physicians have also entered the Medical Arbiter Program as an opportunity to keep active in the medical profession.

How are arbiter fees established?

The Resolution Section of the Workers' Compensation Division determines and preauthorizes fees based on three components:

1. The complexity of the examination and the number of body areas to be evaluated.
2. The extent of the medical record to be reviewed.
3. Preparation of the arbiter report.

Each component is assigned to one of three levels of difficulty. By law, the insurer pays the arbiter's fees.

Where are medical arbiter examinations performed?

Most participating physicians perform arbiter examinations at their own clinic or facility. Also, some arbiter physicians obtain office space in other communities to increase the potential for additional referrals. The division attempts to select an arbiter physician in close proximity to the injured worker to minimize travel.





Do arbiter physicians receive training?

Physicians new to the Medical Arbiter Program receive a short training from the division before their first arbiter evaluation. In addition, participating physicians receive feedback on their arbiter reports. The skills acquired in performing arbiter evaluations and assessing permanent impairment are invaluable for physicians who must interact as treating or consulting physicians within the workers' compensation system.

What about further involvement?

Once the medical arbiter report has been prepared and sent to the parties, the physician is done, unless the department finds that clarification is needed. Case law in Oregon is such that arbiter physicians are seldom, if ever, deposed or subpoenaed.

What kind of physician is the division seeking?

Arbiter physicians must be in good standing with the Oregon Medical Board as a doctor of medicine or osteopathy, or a podiatric physician. In creating the Medical Arbiter Program, the Oregon Legislature envisioned participation from a wide spectrum of Oregon physicians, including those who treat injured workers. To fulfill this objective, the division maintains an ongoing process to recruit new physicians into the program. Regardless of previous experience in the area of workers' compensation or in performing impairment-related examinations, the division is eager to hear from all interested physicians.

How do I become an arbiter physician?

Contact the Resolution Section at 503-947-7816. The Workers' Compensation Division will send you a [Medical Arbiter Statement of Interest form](#). This is a noncontractual document and is the only form you need to sign to enroll. Once the division verifies that you are licensed and in good standing with the Oregon Medical Board, we will add you to the Active List of Medical Arbiters. An Appellate Service Team member will contact you to arrange the brief training and schedule your first examination. Arbiter physicians are free to decline arbiter referrals or withdraw from the program at any time.

Who do I call for more information?

Visit the Workers' Compensation Division website at wcd.oregon.gov/medical/Pages/medical-arbiter-program.aspx or call the Resolution Section at 503-947-7816. The online manual is at wcd.oregon.gov/Publications/4825.pdf.

