



MEMORANDUM

August 27, 2020

To: Medical Advisory Committee (MAC)
From: Sally Coen, Administrator
Subject: Virtual Independent Medical Examinations

At the August 21, 2020 MAC meeting, a question was raised regarding whether the Workers' Compensation Division's Appellate Review Unit would allow findings from independent medical exams (IME) that are conducted virtually. The following response assumes that the virtual IME is being used as a closing examination¹.

A closing medical examination and report are required if there is a reasonable expectation of permanent disability (OAR 436-030-0020(2)(b)). The closing report must include *detailed documentation of all measurements, findings, and limitations* regarding permanent impairment and work restrictions. Some of these measurements cannot be conducted virtually. As an example, our rules require range of motion to be measured with a goniometer or, in the case of spinal range of motion, an inclinometer (OAR 436-035-0007).

To the extent a virtual closing examination can satisfy the requirements for closure, the Appellate Review Unit may allow the findings from that examination. In short, a virtual IME report may be considered. But ultimately, all of the requirements outlined in OAR 436-030 and OAR 436-035 must still be satisfied.

¹ Ultimately, the attending physician must concur with the closing report, and it is the opinions of the attending physician that will be used to rate permanent disability at closure.