

How to Successfully Request Services from DEU

Tips on how to help us help you

Presented By

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Overview

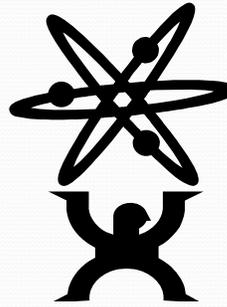
- Methods for requesting DEU services
- Rating requests from parties:
 - Panel QME summary ratings
 - Treating physician summary ratings
 - Supplemental ratings
 - Consultative rating, including Rating MSC requests
- Almaraz/Guzman ratings
- Requests for Reconsideration of summary rating
- Commutation requests

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Filing Methods



OCR – paper forms



E-form -
electronic

JET File –
electronic

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OCR Forms



- Must use mandatory paper forms available at:
<http://www.dir.ca.gov/dwc/forms.html#EAMSForms>
- Must submit with appropriate cover and separator sheets
- OCR Instruction Manual:
http://www.dir.ca.gov/dwc/eams/SampleFiles/EAMS_OCR%20handbook.pdf

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E-Forms

- Fill out forms online and attach enclosures
- Still doing trial with expanded participation
- Good solution for small volume filers
- Advantage – eliminates paper and scanning

E-form Filing Reference Guide:

http://www.dir.ca.gov/dwc/eams/EAMS_ElectronicFilingEFormFilersGuide.pdf

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JET Filing



- Electronic data transmission-secure internet connection
- Three ways: build transmission, purchase software from approved vendors, use 3rd party filer
- 6 ADJ forms currently – DEU forms to be added soon
- Flexible – Reliable

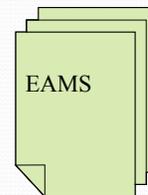
JET File Information Page:

http://www.dir.ca.gov/dwc/EAMS/JetFiling/EAMS_JetFile.html

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Mandatory Forms for OCR Filings

- 100 – Permanent Disability Questionnaire
- 101 – Request for Summary Rating of QME
- 102 – Request for Summary Rating of Tx Dr
- 104 – Consultative Rating Request
- 10232.1 – Cover Sheet
- 10232.2 – Separator Sheet
- Declaration of Readiness to Proceed [DOR]
for Rating MSC hearings (*DWC-CA 10250.1*)



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Prepping for an OCR Filing

- Fill out the forms
 - Request form e.g., 101, 102 or 104 Form
 - Cover sheet
 - Separator sheet
- Assemble the forms and attachments
- File and serve the documents

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Cover Sheet Hints #1

- Is this a new case? Yes No
 - Yes. *Helpful hints: You are trying to create a new DEU case. No DEU case currently exists. Enter information into the following fields:*
 - Date (date you are creating the cover sheet)
 - SSN
 - DOI (specific – start date or cumulative trauma – start and end dates)
 - Unit (*Eeny, Meeny, Miny, Moe, catch which product by the toe?*)

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Cover Sheet Hints #2

- Companion cases exist
 - Check only if there are multiple DOI with existing DEU case numbers to be rated by request [mainly for Consultative Ratings]
 - *Helpful tip - attach a separate list of companion ADJ cases to your request including ADJ case # and DOI for each*
- Walkthrough Yes No
 - Leave blank or check “No”
- Body part – not required for DEU filings

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Cover Sheet Hints #3

- Is this a new case? Yes No
- No. *Helpful hints: A DEU case exists – ratings previously issued. Enter information into the following fields:*
 - Date (date you are creating the cover sheet)
 - Case number 1 (Enter the EAMS DEU case number or DEU legacy case number if known)
 - Unit (Eeny, Meeny, Miny, Moe, catch which product by the toe?)
 - Companion cases exist, Walk through (same as on previous slide)
 - Omit DOI, SSN, Body Part

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Separator Sheet Hints #1

- Product Delivery Unit
 - Choose “DEU” from the drop-down list
- Document Type
 - Choose from DEU Forms, DEU Doc’s, Medical Reports, Other
 - Each document type provides different options for document title
- Document Title – select appropriate title

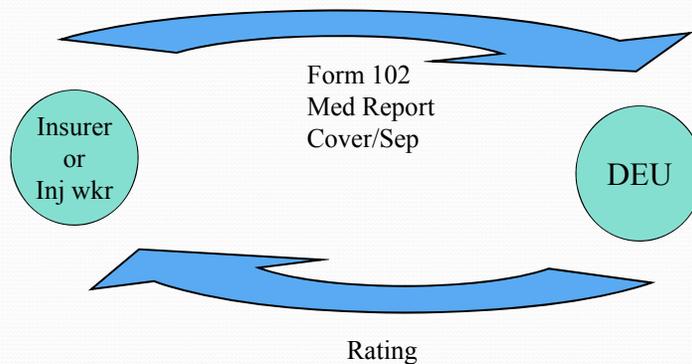
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Separator Sheet Hints #2

- Document Date
 - Enter the date of the document being submitted
 - Author
 - Enter the document author's name; for medical reports this would be the physician's name; try to omit punctuation and always use UAN if Claims Administrator or Law firm
- [Reg. 10217 (b)]*

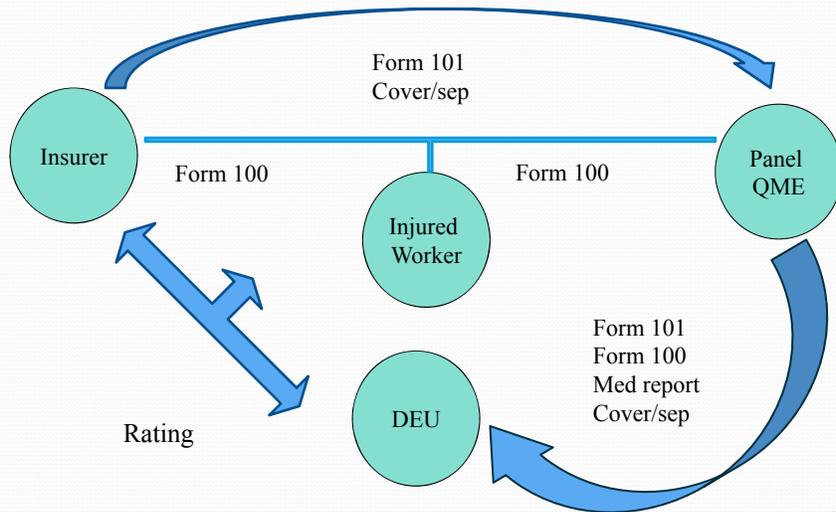
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Treating Doctor Request



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Panel QME Request



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Summary QME Request Problem

- Claims administrator does not provide Summary Rating Request form (DEU 101) to doctor
- DEU cannot process request without DEU 101



Where is that DEU 101?

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Requests for Supplemental Ratings

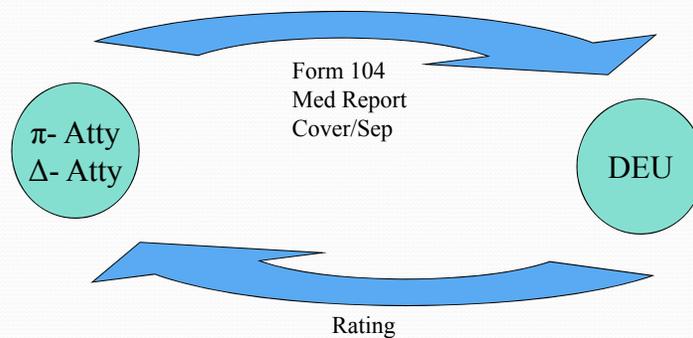
- QME rule requires parties requesting a supplemental report to send their requests directly to the Disability Evaluation Unit office where the report was served and not to the QME until after the initial summary rating has been issued.

[AR 36(d) eff. 11/17/08]



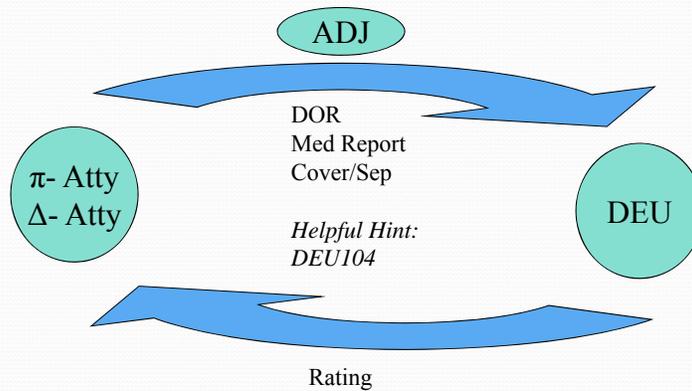
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Consultative Rating Request



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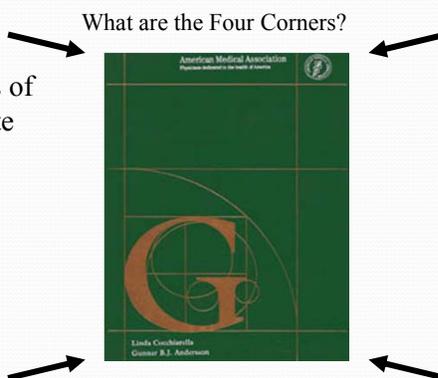
Rating MSC Request



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Almaraz/Guzman Decision

- PDRS is rebuttable
- Physician may use the four corners of AMA Guides to provide an accurate rating
- Starting point is standard AMA Guides rating (not required)



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Recommended Almaraz Practices for Physicians



- **Include an AMA-compliant rating**
 - It is difficult to assert that the AMA-compliant rating is inadequate if we don't know what it is
- **Identify any Almaraz rating**
 - This avoids the possibility that DEU will construe the Almaraz impairment as an error and simply correct it
- **Avoid using old schedule work restrictions**
 - Specifically precluded by Almaraz/Guzman

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Annotating Almaraz Ratings

- DEU will designate Almaraz/Guzman rating with “**Rating Per Almaraz Case**”
- For non-scheduled ratings DEU will use “**99**” for last two digits of rating
- DEU may annotate possible rating issues

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Application of Almaraz/Guzman

What about errors in doctor's report?

- Normal errors in doctor report will be corrected
- Does not trigger Almaraz rating



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Rating Processes

- Doctor provides impairment
- DEU rater turns impairment into disability
- DEU will apply rules of combining per PDRS

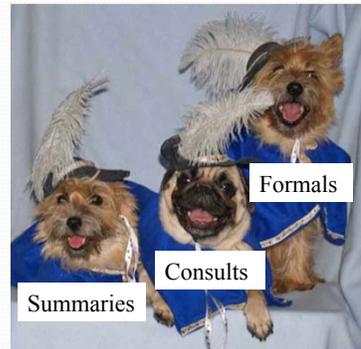


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DEU Approach to Ratings

Three Rating Types:

- Summary Ratings
- Consultative Ratings
- Formal Ratings



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Summary Ratings

- Unrepresented
- QME panel or treating doctor
- WCALJ makes informal decisions on apportionment
- Provide separate ratings per AMA Guides and Almaraz when applicable
- Will cross reference ratings with annotation:
A companion Almaraz – or - AMA Guides rating has been issued
- *Hint: Judge ultimately makes determination if Almaraz applies – not subject to Rating Reconsideration Process*

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Summary Ratings

- The correctness and applicability of an Almaraz/Guzman rating is ultimately the decision of the WCALJ
- Subject to Summary Reconsideration only on merits of that particular rating



And the rating is...

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Requests for Reconsideration

- Use if you disagree with summary rating of panel QME or treating doctor
- Time limit – 30 days from receipt of rating
- File with DWC Administrative Director – address is on form
- Serve on opposing party and DEU office that issued the rating
- Recommended form available at:

<http://www.dir.ca.gov/dwc/forms.html#EAMSForms>

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Consultative Ratings

- Ratings at request of parties- mail in, walk in, MSC
- DEU will issue ratings for both Standard AMA Guides Ratings and Almaraz/Guzman Ratings
- Requests for multiple ratings are difficult to handle on a walk-in basis.



Could you have these rated in 20 minutes?

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Formal Ratings

- Based on judge's instructions after trial
- Follow judge's instructions as finder of fact



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Commutation Requests

- Commutation Request Form located at:
http://www.dir.ca.gov/DWC/FORMS/DEU_CommutationRequest.xls
- SAWW commutations for PTD and LP (DOI's o/a 1/1/03)
- Walk in requests difficult
- Electronically filed commutation requests
 – *Helpful hint: follow up with local DEU office*



Hold still, your SAWW commutation will be ready

Commutation Request Form

COMMUTATION REQUEST Revised August 2011

Directions: Fill in the section under All Cases as completely as possible. Remaining sections only need to be filled in if you are requesting a commutation of those benefits.

All cases:

IW: _____ Requested by: _____
 EAMS Case#: _____ Contact number: _____
 DOI: _____ FAX Number: _____
 P&S date: _____ Request Date: _____
If DOI is o/a 1/1/03, then any LP or PTD benefits would be subject to annual SAWW-based increases.

Attorney fee% (if applicable): _____
 Annual SAWW increase (if appl.): _____
Will use 4.6% unless otherwise specified. (4.6% is based on a 50 year average)

Permanent Disability:

PD Rating: _____
 PD duration (in weeks): _____
 Initial PD weekly rate: _____
If DOI is o/a 1/1/05, then PD may be subject to adjustment under LC 4658(d). If applicable, enter the effective date of adjustment and rate after adjustment in Additional Comments section below.

Is PD subject to +15% adjustment under LC 4658(d)? (Y/N) _____
 Is PD subject to -15% adjustment under LC 4658(d)? (Y/N) _____

Life Pension:

Date of birth: _____
 PD start date (typically the day after TD ends or P&S date): _____
 PD duration (in weeks): _____
 Initial rate of LP benefits: _____
 Gender: _____

Death Benefit:

Average Weekly Earnings: _____
 Start date of benefits: _____
 Initial benefit rate: _____
 Death benefit amt (LC 4702): _____
 DOB of youngest child: _____

100% Permanent Total Disability:

Date of birth: _____
 PTD start date (typically the day after TD ends or P&S date): _____
 Initial rate of PTD benefits: _____
 Gender: _____

All commutations will follow Baker vs. WCAB in determining effective date of first SAWW increase.

Additional Comments: **I ♥ DEU**

All Cases

SAWW Cases

Permanent Disability

Life Pension

Death Cases

100% PTD