

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF WORKERS' COMPENSATION

COVID-19 and DIMEs - Tips and Tricks

Dear DIME Physicians,

The COVID-19 has impacted all of our lives in many ways, especially in the way that physicians are performing their examinations. There are options for social distancing in health care to minimize the spread of COVID-19. The following information may assist you in moving forward.

Telemedicine-

Rule 16-2 (W) defines telemedicine as a two-way, real-time interactive communication between the injured worker and the provider at a distant site. At a minimum, telemedicine includes audio and video telecommunications equipment. The provider is responsible for HIPAA-compliance, however, the Division Rules do not define what HIPAA privacy standards are. Therefore, when the OCR (Office for Civil Rights) states they will not enforce compliance, thus relaxing HIPAA standards, our rule essentially adopts these relaxed standards.

Telemedicine for DIMEs is an option, but be aware, there are considerations to be made. A physician would need to verify or confirm certain elements of the impairment. For example, range of motion measurements may be called to question for accuracy due to the inability to perform these measurements using a goniometer or inclinometer on the patient directly.

Desk Aid 11 Impairment Rating Tips:

DIME Physicians must perform complete assessments and exams, including all applicable measurements: As a Division Independent Medical Examiner you are required to perform your own examination of the claimant and ensure that all required measurements are performed and documented on the appropriate worksheets. If another medical professional (such as a physical therapist) performs range of motion measurements or other specialized tests and assessments (such as an audiogram), it is the responsibility of the physician to ensure that the medical professional performs the assessments in accordance with the AMA Guides and other professional standards. After completing the evaluation, in rare occurrences, you may decide that another physician's impairment rating better reflects the condition being evaluated. Examples include instances where you find another physician's range of motion more physiologically credible than the measurements you have obtained or when another physician has more training in a particular area than you do, such as a psychiatrist. **If you then decide to adopt another physician's rating, you should discuss in your report your own findings and clearly justify the reasons for using another physician's rating.**

When performing a DIME through telemedicine the physician could possibly evaluate the patient and then decide that another physician's impairment rating better reflects the condition being evaluated. Keep in mind that there should be a caveat that the physician used his visual alignment of what those measurements are which could be more defensible if the case gets litigated.

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Rescheduling a DIME Appointment: A physician or the requesting party can reschedule the DIME appointment.

Per Rule 11-5

(C) The DIME may only be rescheduled or terminated by the requesting party or by order. The party responsible for the rescheduling shall submit the rescheduling fee, if applicable, to the DIME physician within ten (10) days of the defaulting event. The requesting party shall reschedule the appointment after the physician receives this fee. Rescheduling of the DIME more than once requires a finding of good cause by an ALJ. The DIME rescheduling and termination fees shall be as follows (unless reduced by an ALJ upon a showing of good cause):

(1) Rescheduling fees:

	DIME is rescheduled more than ten (10) days before the scheduled date	DIME is rescheduled ten (10) days or less before the scheduled date	DIME is rescheduled one (1) business day or less prior to the scheduled date
\$1,000 DIME	No fee	\$500	\$1,000
\$1,400 DIME	No fee	\$700	\$1,400
\$2,000 DIME	No fee	\$1,000	\$2,000

(2) Termination fees:

	DIME is terminated more than ten (10) days before the scheduled date	DIME is terminated ten (10) days or less before the scheduled date	DIME is terminated one (1) business day or less prior to the scheduled date
\$1,000 DIME	\$250	\$500	\$1,000
\$1,400 DIME	\$350	\$700	\$1,400
\$2,000 DIME	\$500	\$1,000	\$2,000

(3) The rescheduling and termination fees shall apply to the agreed-upon DIMEs under section 11-4(A)(2)(a)(i). The fees shall be determined based on the section 11-5(A)(1) – (3) category that would have applied.

(4) If the DIME physician reschedules the examination more than two (2) times, the physician shall pay \$250.00 fee to the paying party.

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(5) The DIME physician shall refund the DIME fee minus the termination fee to the paying party within ten (10) days of receiving the notice of termination.

(6) The parties and the DIME physician may use the Notice of Reschedule or Termination form to notify the DIME Unit of any rescheduling, termination, or failure to attend the DIME.

To summarize, A DIME may only be rescheduled or terminated by the requesting party or by Order. Rescheduling of the DIME by the requesting party more than once requires a finding of good cause by an ALJ.

The DIME physician may reschedule the examination two (2) times without a fee. After the second reschedule, the physician shall pay \$250.00 fee to the paying party for any subsequent reschedulings.

We hope this information can be of use as you navigate through this crisis. If you have questions or concerns, please feel free to email me at imeunit@state.co.us or lori.olmsted@state.co.us.

Thank you and be safe.