

Decision of the Appeal Division

Number: 3
Date: July 3, 1991
Panel: Connie Munro, Chief Appeal Commissioner
Subject: Withdrawal of Appeals to the Appeal Division:
Medical Review Panel Examinations

Prior to June 28, 1991, a Medical Review Panel appeal could only be brought following a medical decision by the Board. A Review Board finding could not be appealed to a Medical Review Panel.

Amendments to Sections 58 and 63 of the *Workers' Compensation Act* came into force on June 28, 1991. These changes are contained in Sections 18, 19 and 20 of Bill 15, the *Miscellaneous Statutes Amendment Act (No. 2), 1991*.

A worker or employer may now appeal directly to a Medical Review Panel following a medical finding by the Review Board. A dependant of a deceased worker may also request a Medical Review Panel inquiry into the cause of death of a worker, following a Review Board finding.

As a transitional measure, a worker or employer who had an existing appeal to the Appeal Division as of June 28, 1991 may withdraw the appeal and appeal directly to a Medical Review Panel. This may be done at any time before the appeal to the Appeal Division is heard. Similarly, the dependant of a deceased worker who had an existing appeal to the Appeal Division concerning the cause of death of a worker may withdraw the appeal and appeal directly to a Medical Review Panel.

The requirements for initiating a Medical Review Panel appeal must still be met. There must be:

- (a) a request in writing stating that the appellant is aggrieved by the medical finding of the Review Board, and
- (b) a certificate of bona fide medical dispute from a physician, which states sufficient particulars to define the question in issue.

A medical certificate is not required if the dependant of a deceased worker is requesting a Medical Review Panel inquiry into the cause of death of a worker.

An appellant with an existing appeal to the Appeal Division who wishes to request a Medical Review Panel examination will not be required to make an election concerning the appeal route they wish to follow prior to a decision being made that they have met the requirements for initiating a Medical Review Panel appeal.

Editors' note: For the full text and further explanation of the amendments to Sections 58(3), 58(4) and 63(1) of the Act, see page 73.