

| Section | Policy      |
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| 40      | 42.10.70.20 |

Section Title: Benefits Administration – *Healthcare Services*  
Subject: Convening a Medical Review Panel  
Effective Date: March 23, 1994

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### **A. POLICY PURPOSE**

This policy has been developed to clarify the conditions under which a Medical Review Panel will be convened for claims before and after January 1, 1992.

The Board has considered the Manitoba Court of Appeal decision in *Medeiros v. The Workers Compensation Board* and notes that this decision is not consistent with the Board's long-standing practice under *The Workers Compensation Act* (the Act).

The Board has received legal advice that, based on its exclusive jurisdiction under the Act, it may continue to convene medical review panels on a basis consistent with its long-standing practice. The Board has chosen to affirm its long-standing practice in policy.

### **B. POLICY**

1. Under the Act, the Board may convene a Medical Review Panel either before or after a decision of the Appeal Commission.
2. **For claims before January 1, 1992**, the Board will convene a Medical Review Panel when the requirements of the Act are met, whether the worker's written request is made before or after a decision of the Appeal Commission.
3. **For claims after January 1, 1992**, pursuant to the Act as amended, the worker's written request for a Medical Review Panel must be made before a decision of the Appeal Commission.

### **C. REFERENCES**

*The Workers Compensation Act*, Subsections 67(3), 67(4), 60.8(5) [prior to January 1, 1992]  
*The Workers Compensation Act*, Subsections 67(3), 67(4), 60.8(5) [after January 1, 1992]

Policy 42.10.70, *Medical Review Panels*

### **History:**

1. Existing practice established in Policy 42.10.70.20 by Board Order 26/94 on May 26, 1994, to be effective retroactive to March 23, 1994.
2. Minor formatting changes were made to the policy and the references section was updated, June 27, 2012.
3. Minor formatting changes were made to the policy February 2021.