

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

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.

A. 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.

B. 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]
WCB 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.