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**INTERIM POLICY 13.07**

**Section:** Medical Examinations **Effective:** 1-1-2021

**Title:** Interim Policy 13.07 - Worker Cancels or Fails to Appear for an Independent Medical Examination **Cancels:** Policy 13.07 dated 12-14-2012

**See Also:** [RCW 51.32.110](#) (medical examination – refusal to submit – traveling expenses – pay for time lost)  
[RCW 51.32.230](#) (recovery of overpayments)  
[WAC 296-14-410](#) (reduction, suspension, or denial of compensation as a result of noncooperation)  
Policy 13.05 (scheduling independent medical examinations)  
[Medical Examiner’s Handbook](#)  
[Andersen v. Dept. of L&I 1998](#)  
[Romo v. Dept. of L&I 1998](#)

**Approved by:**

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This policy applies when a worker of a State Fund or self-insured employer cancels or fails to appear for an independent medical examination (IME).

- 1. The department or self-insured employer must send a letter to the worker or worker’s representative asking the reason(s) why the worker did not attend, obstructed or refused to submit to an IME.**
- 2. The worker has 30 days to respond in writing explaining the reason(s) for not attending an IME.**
- 3. The adjudicator determines on a case-by-case basis whether the worker has good cause for not attending an IME.**

If good cause is established a no show fee won’t be assessed, and the IME will be rescheduled if appropriate.

A worker must have good cause for not attending an IME. Reasons for good cause include:

- Notice of the examination was not sent to both the worker and the worker's representative 14 days prior to the scheduled appointment. The notice must contain the date, time, and location of the examination.
- The worker hasn't been examined or evaluated and leaves after waiting more than one hour after the scheduled time.
- The examiner cancels or is unavailable for an exam. If the examiner cancels because the worker was more than 30 minutes late, this will not be considered good cause for not attending the exam.

**NOTE:** Other situations may arise where the adjudicator must decide if the worker had good cause for missing the IME. Adjudicators should consider whether the worker experienced an unforeseen or unavoidable event preventing attendance. Failure to arrange dependent care or transportation generally won't be considered good cause.

**NOTE:** When a specialty examiner isn't available in a reasonably convenient location but the department or self-insured employer took steps to accommodate the worker, refusal to attend the exam because of location is not considered good cause.

**4. Direction from a worker's representative or other interested party not to attend an IME, without further explanation, isn't good cause for the worker not to attend.**

The worker or representative must provide the reason(s) for not attending and the adjudicator must carefully consider good cause on a case-by-case basis.

If appropriate, the adjudicator should consider noncooperation on the claim until the worker cooperates by attending an IME.

**5. The department or self-insured employer may not assess a no show fee against a worker if the worker or their representative gives at least five business days' notice of the worker's intent not to attend the examination.**

The adjudicator will cancel or reschedule the IME when notified of non-attendance five business days before the scheduled IME, if appropriate or indicated.

6. **When a worker repeatedly obstructs or refuses to submit to a medical examination, the adjudicator may consider suspending benefits unless given good cause.**
7. **Self-insured employers must request and receive an order from the department before reducing benefits.**
8. **A no show fee may be assessed when the worker or worker's representative fails to give five business days' notice of intent not to attend or cancelling the exam.**

Adjudicators can only assess a no show fee:

- If the worker gives less than five business days' notice, and
- Doesn't have good cause or
- Fails to attend the IME.

9. **The no show fee is recovered from time-loss benefits payable to the worker whenever possible.**

The no show fee can **only** be deducted from time-loss benefits and can't be deducted from other benefits such as permanent partial disability, pension or Option 2 awards.

The no show fee may be deducted from current or future time-loss benefits paid to the worker under other claims with the same insurer (State Fund or self-insured).

When a claim is reopened with a no show fee still owed by the worker, time-loss benefits will be reduced until the no show fee is paid in full.

Time-loss benefits will generally be reduced by an amount not to exceed 25% of the total time-loss payment until the no show fee is paid in full. If there are not adequate anticipated time-loss payments to cover the no show fee, the time-loss payment will be reduced sufficiently to recover the remaining no show fee, even if this results in exceeding 25%.

For further information about this or other workers' compensation policies, you may contact the Insurance Services' policy program at 360-902-6932.