

WORKERS' COMPENSATION AND PERSONAL INJURY ATTORNEYS

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Workers' Compensation Claimants with Attorneys Can Choose New Medical QME Panel

Workers' Compensation claimants who are unrepresented by an attorney, and who chose a Qualified Medical Evaluator (QME) from a state issued panel QME list, but later decide they do not wish to see the selected doctor, now have one opportunity to pick another QME if they hire an attorney.

A Workers' Compensation Appeals Board (WCAB) decision determined that an unrepresented worker who retains an attorney can pick another QME if the medical evaluation has not already occurred. The WCAB ruled that an injured employee who hired legal representation could request a new panel that included chiropractors because she had not yet seen the orthopedist assigned to evaluate her.

The flip side of the ruling is that not even an attorney can request a new QME panel if the claimant "attends and participates in the medical evaluator's examination." However, if you have attended a panel QME evaluation, there may be ways to challenge that doctor's conclusions and you should seek legal advice if you have an issue or issues with the panel QME's reporting in your case.

The safest course of action for an injured worker, of course, is to consult an experienced Workers' Compensation attorney the moment they begin the Workers' Compensation process to be sure to have all options available under the ever changing workers' compensation laws. The law firm of Gordon, Edelstein, Krepack, Grant, Felton & Goldstein provides free consultation to workers' compensation claimants considering legal representation. If you have any questions, please feel free to call 213-739-7000.



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Pursuant to Labor Code Section 5432(a), making a false or fraudulent workers' compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.