

AD HOC COMMITTEE ON DISABILITY PENSIONS

AGENDA

Board of Fire and Police Pension Commissioners

Garrett Zimmon, Chair
Brian Pendleton, Vice Chair
Ruben Navarro
Paul Weber

December 3, 2020

**10:00 a.m. or as soon thereafter as the
Board adjourns its regular meeting**

Sam Diannitto Boardroom
Los Angeles Fire and Police Pensions Building
701 East 3rd Street, Suite 400
Los Angeles, CA 90013

Important Message to the Public: In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to the public health concerns over COVID-19, this meeting of the Board of Fire and Police Pension Commissioners will be conducted via telephone and/or videoconferencing.

PLEASE NOTE: The Board Room will be closed during this meeting.

To provide public comment telephonically, please call (669) 900-9128 or (346) 248-7799 and enter Meeting ID 816 4300 4246# (Please note: Toll charges may apply.)

If you do not want to make a public comment, you may stream the meeting from the website (www.lafpp.com) or call any of the following numbers to access the Council Phone system and listen to live coverage: (213) 621-CITY (Downtown), (818) 904-9450 (Valley), (310) 471-CITY (Westside), and (310) 547-CITY (San Pedro Area).

Please refer to www.lafpp.com for more information.

An opportunity for the public to address the Board or Committee about any item on today's agenda for which there has been no previous opportunity for public comment will be provided before or during consideration of the item. Members of the public who wish to speak on any item on today's agenda are requested to use the telephone number provided above.

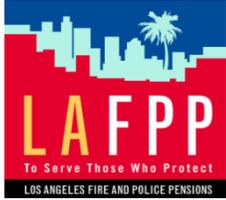
Notice to Paid Representatives: If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code §§ 48.01 *et seq.* More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org

In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board or applicable Committee of the Board in advance of their meetings may be viewed by clicking on LAFPP's website at www.lafpp.com. In addition, if you would like a copy of any record related to an item on the

agenda, please contact the commission executive assistant, at (213) 279-3037 or by e-mail at evange.masud@lafpp.com.

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1. GENERAL PUBLIC COMMENTS ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION
2. [DISCUSSION OF OPTIONS FOR INDEPENDENT MEDICAL EXAM SERVICES AND POSSIBLE COMMITTEE ACTION](#)
3. VERBAL UPDATE ON PILOT PROGRAM FOR MEDICAL RECORDS COLLECTION



SPECIAL MEETING

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Board of Fire and Police Pension Commissioners

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DEPARTMENT OF FIRE AND POLICE PENSIONS

701 E. 3rd Street, Suite 200
Los Angeles, CA 90013
(213) 279-3000

REPORT TO THE AD HOC COMMITTEE ON DISABILITY PENSIONS

DATE: DECEMBER 3, 2020

ITEM: 2

FROM: RAYMOND P. CIRANNA, GENERAL MANAGER

**SUBJECT: DISCUSSION OF OPTIONS FOR INDEPENDENT MEDICAL EXAM SERVICES
AND POSSIBLE COMMITTEE ACTION**

RECOMMENDATION

That the Committee recommend that the Board direct staff to exclude restrictions on firms providing independent medical exam services from using AME/QME physicians in future Request for Proposals (RFP).

BACKGROUND

At its meeting on July 16, 2020, the Board considered a report from the Ad Hoc Committee on Disability Pensions regarding the responses to an RFP for independent medical exam and record review services. The Board approved the Committee's recommendation to direct staff to negotiate the terms and conditions for new contracts with the two existing medical exam/records review services providers (i.e., QTC Medical Group, Inc. and ExamWorks, LLC¹), and to research other methods of providing such services to disability and survivorship pension applicants. Board members suggested outreach to hospitals in the Los Angeles area and surveying other public pension plans throughout California.

DISCUSSION

Los Angeles Area Hospitals

Disability Pensions Section staff made multiple attempts to contact both Cedars Sinai Medical Center and UCLA Health to explore possible program options for independent medical exam services. Staff met virtually with a representative from Cedars Sinai Medical Center and was informed that no such program currently existed, but it may be a program that their leadership would be interested in implementing in the future. The representative informed staff that she would consult further with her executive leadership. Staff made multiple attempts to follow up with the representative, who has yet to return with additional information. Additionally, staff made multiple attempts to contact representatives of UCLA Health. Phone calls, emails, and voicemail messages have not been returned. Staff will update the Board if after further discussion with Cedars Sinai Medical Center or UCLA Health, either entity is able to provide independent medical exam services.

Survey of California Public Pension Systems

In order to gather information on how other public pension plans throughout the State of California administer independent medical exams for disability pension applicants, staff created a survey that

¹ Subsequent to this meeting, the Board voted to terminate its contract with ExamWorks, LLC on September 17, 2020.

was posted on the California Association of Public Retirement Systems (CALAPRS) website. The questions were focused on obtaining information on how these pension systems administer their medical examinations to determine the status/severity of the illnesses and/or injuries claimed by their disability pension applicants. LAFPP received a total of 15 survey responses from a wide range of plans throughout California (Attachment). Out of the 15 responses, only four systems administer their own independent medical examinations through individual contracts with various physicians, with two of those four implementing hybrid programs which include a third-party vendor. None of the respondents contract with any major medical groups. The remaining plans use a third-party vendor to administer independent medical examinations. Many of the plans do not exclude Agreed Medical Examiner or Qualified Medical Examiner (AME/QME) physicians from examining their disability pension applicants, as long as the physician has not previously examined the applicant. Staff contacted LACERA, one of the larger plans administering their own independent medical examination program, to inquire as to whether they contract with any major medical groups such as Cedars Sinai or UCLA Health. LACERA does not contract with any major medical groups and chooses to maintain individual contracts with their examining physicians. They also do not exclude AME/QME physicians from their examination pool as long as the physician has not examined the applicant in the past (e.g., as part of a workers' compensation claim).

As part of the CALAPRS survey, staff inquired whether the various pension systems utilized a third-party vendor for their independent medical exam services, and if so, asked the plan to name the vendor(s) used. It also asked for the plan to comment on their level of satisfaction with the service provided by the vendor. Of the plans that use a third-party vendor, those that responded to this question were generally satisfied with the level of service provided. Many plans commented that they have experienced issues similar to those encountered by LAFPP. Such issues include delays in receiving finalized reports and needing doctors to correct errors in their reports. When asked if the plans use metrics to evaluate vendor performance, only one currently uses a system of performance metrics.

Going forward, staff recommends incorporating the results of the CALAPRS survey into future RFP's for independent medical exam and record review services. As such, it is anticipated that future RFP's will not include any restrictions on vendors using AME/QME physicians, so long as the AME/QME has not examined the applicant previously. Currently, staff is involved in contract negotiations with our current vendor, QTC Medical Group, Inc. (QTC). Staff is discussing desired service improvements with representatives of QTC, focusing on the quality and content of the pension physician reports, performance metrics, and permanent inclusion of the LAFPP Pension Physician Questionnaire in the materials completed by each examining physician. In addition, staff continues to utilize Havura Enterprises LLC (Havura), LAFPP's prior vendor, on an as-needed, non-contracted basis to perform exams, review medical records, and write reports. Staff is confident that QTC and Havura can provide the needed level of service that is required to expeditiously process disability applications.

BUDGET

No impact at this time.

POLICY

No policy changes at this time.

CONTRACTOR DISCLOSURE INFORMATION

There is no contractor disclosure information required with this report.

This report was prepared by:

Kristen M. Rosauer, Manager
Disability Pensions Section

RPC:JS:GM:KR

Attachment: Results Matrix for the 2020 CALAPRS Disability Pensions Section Survey

CALAPRS Survey of Disability Medical Exam Providers

ATTACHMENT

PLAN	PROCESS DISABILITY PENSIONS Yes/No	NUMBER OF PENSION PHYSICIANS	RECRUITS OWN PHYSICIANS	USES VENDOR/NAMES OF VENDORS	AME/QME PHYSICIANS?	USES METRICS TO EVALUATE PERFORMANCE	REPORT FORMAT INFO	ADDITIONAL INFORMATION
City of San Jose	Yes	1	No	Yes; ExamWorks and Medlink	No	No	Instructions are provided to the physicians as to what the qualifying criteria are and what information is needed, but there is no required report format	Medlink has a small roster of physicians. ExamWorks- Tough to get physician reviews and reports that address the particular criteria legally required for an application to qualify for disability retirement.
Fresno County	Yes	1, or 1 for each specialty claimed	No	NDE (National Disability Evaluations)	Yes, but must have not examined the patient in the past	No	Has provided NDE with a template of how they like the report to be formatted, but it is not critical as long as the requested info is included	NDE fees are based on a flat fee for records reviewed up to 400 pages, then an additional fee for every 100 pages after that. There is also a fee for an exam to be in person or remote, and for the time spent preparing the report.
LACERA	Yes	1, or 1 for each specialty claimed; Due to COVID-19, is allowing record reviews or telemedicine appointments in lieu of in person exams	Yes- Each physician (65-70 on panel) is individually contracted and each has their own transcription services.	No	Yes, but must have not examined the patient in the past	No	Yes, guidelines are provided which explains the difference between WC and CERL and they ask 9 specific questions which the panel physician must respond to in each case.	
Marin County	Yes	Each applicant is examined by a Medical Advisor. Based on the Medical Advisor's recommendation the member may be sent for an IME	No	Yes; ExamWorks, Crosspoint Evaluations, or physicians recommended by the previous medical advisor	No	No	Yes, there is a template for all doctors issuing reports	Each doctor has a list of scheduled fees that they charge.
Mendocino County	Yes	All applicants are required to submit an attending physician report from at least one medical provider documenting the permanency of the injury/illness. One IME must examine all service related applicants. If it is nonservice connected, it does not need an IME. Also utilize a medical advisor which can make recommendations regarding the need of an IME.	No	Yes; Managed Medical Review Organization (MMRO)- Schedules IME and acts as Medical Advisor	No Answer	No	Yes, specific questions have been drafted for the medical advisor and the IME	Generally happy with the service provided by MMRO, however there have been occasions where their workflow has delayed receipt of IME reports and medical advisor recommendations. The IME reports and medical advisor reports must be thoroughly reviewed and are sent back for addendum often.

CALAPRS Survey of Disability Medical Exam Providers

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Merced County	Yes	Sometimes none, depends on the illness and completeness of medical records given. Terminal patients often do not see an IME.	Their attorney has a rotating list of doctors used in the area. The attorney does the recruiting.	No	Usually no		Yes. The attorney writes a patient/member specific questionnaire for each member to be answered by the doctor. Used to have one questionnaire but it was not helpful and required a lot of follow up.	Used a third party vendor in the past but found it to be too expensive and the doctors were not helpful
OCERS	Yes	1	Yes-10 on the panel that are individually contracted	Yes; Also uses NDE	Yes, but they refer to them as the IME physicians and do not allow it if the applicant has been seen by them before.	No	Yes	None
Sacramento County	Yes	1, possibly more depending on claims	No	Yes, uses NDE	No	No	No, but do have a set of general questions regarding an Applicant's permanency and incapacity	None
San Bernardino County	Yes	1, possibly more depending on claims	No	Yes, First Medical Experts	Yes, as long as they have not examined the applicant before and the employer does not use them.	They track the them on a log and expect the reports within 30 days as per the contract, 2 weeks for supplemental reports	Yes, they have detailed questions that are required	They used to maintain their own panel of physicians but they were not able to provide reports or appointments within 30 days. They only had 3 physicians that were individually contracted.
San Diego City	Yes	1, unless there are multiple claimed injuries	Yes- refers to the CA QME panel, jury verdict searches, expert witness databases, and sends out blind solicitation letters. Finding doctors is challenging. Most are independently contracted, but do have some contracts with medical groups. Pool is 2-3 doctors for spine, 2-3 for joints, 1-2 podiatry, hands, cardiac, neurology	No	Yes, as long as they have not examined the applicant before and adhere to their standards	No	Yes, when they are hired, they send the doctors the Board Rules and Municipal Code sections pertaining to disability retirement. They also send a letter with each applicant that outlines their standards and what each report needs to include	They used other exam service providers in the past (ExamWorks) that used doctors they already knew and charged more, or used doctors not familiar with their standards which resulted in poor opinions
San Luis Obispo County	Yes	Possibly none - depends on the medical evidence and application form sent to MMRO for initial records review. Sometimes MMRO can render an opinion just from the records.	No	Yes, MMRO	Possibly, But ask MMRO to schedule IMES	No	Yes, provides key language to use in their letter of instruction to IMES related to cardiac claims. Other than this, they do not	Typically handles 4-8 disability cases per year. They really don't do anything until they notify the applicant that the recommendation from MMRO is going to the Board for review. They have used ExamWorks to schedule a few IMEs.

CALAPRS Survey of Disability Medical Exam Providers

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Santa Barbara County	Yes	2, sometimes 1	Yes, maintain a list of doctors in different specialties that are willing to do this type of work	Yes, First Medical Experts on an as needed basis	Yes, but often are not	No	Yes	Borrowed LACERA's list of panel doctors or uses First Medical Experts
Sonoma County	Yes	1	No	Yes, use 2 medical consulting firms (not identified)	Yes, as long as they have not examined the applicant before and adhere to their standards	No	Yes, asks specific questions	None
Tulare County	Yes	1 Treating physician's statement to accept application, and 1 IME unless there are additional claims	No	Yes, NDE and ExamWorks	Yes, as long as they have not treated the applicant before	No	No specified format but a standard list of questions specific to the disability type must be answered in the report	None
Ventura County	Yes	1 treating physician in order to accept applications that must deem the applicant permanently incapacitated, and 1 IME	Yes- 4 independent physicians that specialize in 3 different medical fields	Yes, NDE and ExamWorks	No, but in practice some most likely serve as QMEs or AMEs	No	Yes, instructions are provided regarding areas that need to be addressed	2 of the panel physicians are from LACERA's list