



Injured Worker Right to Have a Chaperone



Medical Examination Manual

Examination Observers

Injured workers may have a relative present at their examination if so desired. Legal representatives may not be present at examinations.

Interpreter

The Commission will provide interpreters on request when a hearing impairment or language barrier exists.

Chaperone

Examinations should be conducted with a chaperone present when appropriate.

Per Ohio Administrative Code 4731-26-01 which states:

"(D) "Chaperone" means a third person who, with the patient's consent, is present during a medical examination."

Nowhere does it state "Who the Dr feels comfortable with in the exam room."; "A male for a male examination or a female for a female examination."; or even "One of the Dr's office personnel."

Now the above information is simply from search results on Policy and Procedures at the Ohio BWC/IC.

Here are the real meat and potatoes straight from the horse's mouth:

Question: Legal definition of an IME/DEP Observer and an IME/DEP Chaperone

Answer: The BWC does not define "observer" or chaperone" in the Ohio Revised Code, Ohio Administrative Code or in the BWC Disability Evaluators Panel (DEP) Handbook. **However, the State Medical Board of Ohio has defined "Chaperone" in paragraph (D) of Board rule OAC 4731-26-01 as "(D) "Chaperone" means a third person who, with the patient's consent, is present during a medical examination."**

Question: What should the IW do if they show up with an "Observer" and/or "Chaperone" and the IME/DEP Doctor REFUSES to exam the IW with either the "Observer" and/or "Chaperone" in the exam room.

Answer: Send BWC exam issues to the address below:

OHIO BWC

DEP Central

PO BOX 15189

Columbus, OH. 43215-0189

Question: Basically the same as above, but the IME/DEP Doctor tells the IW and their "Observer" and/or "Chaperone" that one of the office personnel will be doing this function so the "Observer" and/or "Chaperone" needs to leave the exam room.

Answer: It is acceptable for one of the doctor's staff to replace your chaperone for a BWC exam.

Question: There are IME/DEP Doctors out there that FLAT OUT REFUSE TO FOLLOW BWC POLICY which you have stated to me as <http://codes.ohio.gov/oac/4731-26-01>. Not to mention the fact that I found <http://www.ohiobwc.com/infostation/content/1/1.2/1.2.5.6.1.7.htm>. So what is the IW and their "Observer" and/or "Chaperone" to do in these situations?

Answer: **Notify their claims team contact at their local BWC service office and/or notify the DEP Central unit at the address given above.**

Norma J. Scott
Ohio Bureau of Workers' Compensation
MCO Business & Reporting Unit
Phone - (614) 644-1196
Fax - (614) 466-6306

**You can bring your own Chaperone and if an IME gives you any
grief, call Mark Barr at: 614-995-0451
Make sure to have the number on speed dial!**