

proceeding before the appeals board. After the period to reach agreement has expired, either party may select a qualified medical evaluator to conduct the comprehensive medical evaluation. Neither party may obtain more than one comprehensive medical-legal report, provided, however, that any party may obtain additional reports at their own expense.

(d) (1) If the parties do not agree to a permanent disability rating based on the treating physician's evaluation, and if the employee is not represented by an attorney, the employer shall not seek agreement with the employee on a physician to prepare an additional medical evaluation. ~~The employer shall immediately provide the employee with a form prescribed by the medical director with which to request assignment of a panel of three qualified medical evaluators.~~ The employer shall immediately request assignment of a panel of three qualified medical evaluators from the medical director and notify the employee of the request on a form prescribed by the administrative director. A copy of the treating physician's evaluation shall be included with the request. Within 30 days of receipt of notice of the assignment of the panel from the medical director, the employee shall select a physician from the panel to prepare a medical evaluation of the employee's permanent impairment and limitations and any need for continuing medical care resulting from the ~~injury.~~ ~~For injury.~~ If a comprehensive medical legal valuation has been prepared by the treating physician, and no good cause exists, as defined in subdivision (g), for the failure of the employee to select a qualified medical evaluator within the 30-day time period set forth in this subdivision, or, if no assignment of a panel has been made by the medical director within the timeframes required by subdivision (h) of Section 139.2 and the employee has failed to select a qualified medical evaluator within 45 days of receipt of the notice from the employer that a panel has been requested, issues relating to the existence or extent of permanent impairment and limitations or the need for continuing medical care resulting from the injury may be the subject of a declaration of readiness to proceed.

(2) For injuries occurring on or after January 1, 2003, ~~except as provided in subdivision (b) of Section 4064,~~ the report of the qualified medical evaluator and the reports of the treating physician or physicians shall be the only admissible reports and shall be the only reports obtained by the employee or the employer on the issues subject to this section.

(e) If an employee obtains a qualified medical evaluator from a panel pursuant to subdivision (d) or pursuant to subdivision (b) of Section 4062, and thereafter becomes represented by an attorney and obtains an additional qualified medical evaluator, the employer shall have a corresponding right to secure an additional qualified medical evaluator.

(f) The represented employee shall be responsible for making an appointment with an agreed medical evaluator.

(g) The unrepresented employee shall ~~be responsible for making~~ make an appointment with a qualified medical evaluator selected from a panel of three qualified medical evaluators within 30 days of receipt of the notice of the assignment of the panel from the medical director. If a comprehensive medical-legal evaluation has been completed by the treating physician, and if no good cause exists for the failure of the employee to schedule the evaluation, issues

relating to the existence or extent of permanent impairment and limitations or the need for continuing medical care resulting from the injury may be the subject of a declaration of readiness to proceed. The evaluator shall give the employee, at the appointment, a brief opportunity to ask questions concerning the evaluation process and the evaluator's background. The unrepresented employee shall then participate in the evaluation as requested by the evaluator unless the employee has good cause to discontinue the evaluation. For purposes of this subdivision, "good cause to discontinue the evaluation" shall include evidence that the evaluator is biased against the employee because of his or her race, sex, national origin, religion, or sexual preference or evidence that the evaluator has requested the employee to submit to an unnecessary medical examination or procedure. If the unrepresented employee declines to proceed with the evaluation, he or she shall have the right to a new panel of three qualified medical evaluators from which to select one to prepare a comprehensive medical evaluation. If the appeals board subsequently determines that the employee did not have good cause to not proceed with the evaluation, the cost of the evaluation shall be deducted from any award the employee obtains.

(h) Upon selection or assignment pursuant to subdivision (c) or (d), the medical evaluator shall perform a comprehensive ~~medical~~ medical-legal evaluation according to the procedures ~~promulgated~~ adopted by the administrative director under paragraphs (2) and (3) of subdivision (j) of Section 139.2 and summarize the ~~medical~~ findings on a form prescribed by the administrative director. The comprehensive ~~medical~~ medical-legal evaluation shall address all contested ~~medical~~ issues regarding the employee's permanent impairment and limitations and any need for continuing medical care arising from all injuries reported on one or more claim forms prior to the date of the employee's initial appointment with the medical evaluator. If, after a comprehensive ~~medical~~ medical-legal evaluation is prepared, the employer or the employee subsequently objects to any new ~~medical~~ issue regarding the employee's permanent impairment and limitations and any need for continuing medical care, the parties, to the extent possible, shall utilize the same medical evaluator who prepared the previous evaluation to resolve the medical dispute.

(i) Except as provided in Section 139.3, the medical evaluator may obtain consultations from other physicians who have treated the employee for the injury whose expertise is necessary to provide a complete and accurate evaluation.

(j) The qualified medical evaluator who has evaluated an unrepresented employee shall serve the comprehensive medical evaluation and the summary form on the employee, employer, and the administrative director. The unrepresented employee or the employer may submit the treating physician's evaluation for the calculation of a permanent disability rating. Within 20 days of receipt of the comprehensive medical evaluation, the administrative director shall calculate the permanent disability rating according to Section 4660 and serve the rating on the employee and employer.

(k) Any comprehensive medical evaluation concerning an unrepresented employee which indicates that part or all of an employee's permanent impairment or limitations may be subject to apportionment pursuant to Sections 4663 or 4750 shall first be