

GORDON · EDELSTEIN · KREPACK GRANT · FELTON · GOLDSTEIN, LLP

Victory from California Supreme Court for Injured Workers

On July 7, 2008, the California Supreme Court in *Sandhagen v. WCAB* sided with injured workers in an important case concerning insurance company authorization for medical treatment for an industrial injury. In *Sandhagen*, the Supreme Court confirmed the overriding interest that injured workers receive prompt and proper medical care.

One of the effects of the "reform" of the Workers' Compensation Laws has been the growing frustration by injured workers and their doctors regarding their inability to obtain authorization for recommended treatment. Often a lengthy litigation process has been required to resolve such issues. The *Sandhagen* ruling limits an insurance company's ability to dispute treatment requests.

The "utilization review" process is the process in which an insurance company refers a treating doctor's medical treatment request to another physician to review and authorize, reject, or delay (for more information) the treatment request. The insurance companies must now complete utilization review within 14 days.

The Supreme Court rejected the insurance company's argument that even if utilization review was not timely provided under Labor Code Section 4610, they still had additional time to dispute the treatment under Labor Code Section 4062. The Court ruled that there is no other medical basis to dispute a request if the review was not timely under Section 4610. Therefore, if there is no timely denial, the insurance company should authorize the requested care, or risk being penalized for unreasonably delaying the treatment. It is hoped that this decision will help injured workers receive the timely treatment that is needed for their injuries.

If you would like to talk with an attorney about your case, please contact us at (213) 739-7000.

WWW.GEKLAW.COM



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.