

It's Official: California Workers Can Continue to Pre-Designate a Physician

Finally, some good news from Sacramento. Governor Arnold Schwarzenegger recently signed Senate Bill 186, which enables workers injured on the job to continue to pre-designate a physician in the event of a future work injury. Had the governor vetoed the bill, this right would have been eliminated as of December 31, 2009.

"This is a huge victory for California workers," says Mark Edelstein, a partner in the law firm of Gordon, Edelstein, Krepack, Grant, Felton & Goldstein. "With that December 31st ending date eliminated, injured workers can continue to be cared for by a doctor who knows their medical history and with whom they have built a relationship—not a physician assigned to them by their employer. In most cases, this enables the physician to provide effective treatment and make the appropriate referrals, enabling the injured worker to return to his or her job more quickly."

As set forth in the 2004 Workers' Compensation "Reform" (Senate Bill 899), if an employer has a Medical Provider Network (MPN) to treat injured employees, a worker must usually be treated by a doctor in that network unless he or she pre-designates.

"It is imperative that workers advise their employers in writing before an injury that if they're hurt on the job they want to be treated by their personal physician," says Edelstein.

"The passage of SB 186 is an example of how Workers' Compensation Laws have been changing on an almost daily basis since 2004. Legal representation is vital for injured workers in California even with this latest positive turn of events.

"Schwarzenegger's signing of the bill surprised many advocates of workers' rights, particularly because he vetoed a similar bill in 2008. We will gladly 'take this win' for California's workers, and our firm will continue to stay abreast of the rapidly changing trends in Workers' Compensation Laws so that we can provide our clients with the best representation possible."

To learn more about how Gordon, Edelstein, Krepack, Grant, Felton & Goldstein protects the rights of those who have suffered serious injuries on or off the job, visit WWW.GEKLAW.COM or call us at 213-739-7000.



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.

PREDESIGNATION OF PERSONAL PHYSICIAN

In the event you sustain an injury or illness related to your employment, you may be treated for such injury or illness by your personal medical doctor (M.D.), doctor of osteopathic medicine (D.O.) or medical group if:

- your employer offers group health coverage;
- the doctor is your regular physician, who shall be either a physician who has limited his or her practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, and has previously directed your medical treatment, and retains your medical records;
- your "personal physician" may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multispecialty medical group providing comprehensive medical services predominantly for nonoccupational illnesses and injuries;
- prior to the injury your doctor agrees to treat you for work injuries or illnesses;
- prior to the injury you provided your employer the following in writing: (1) notice that you want your personal doctor to treat you for a work-related injury or illness, and (2) your personal doctor's name and business address.

You may use this form to notify your employer if you wish to have your personal medical doctor or a doctor of osteopathic medicine treat you for a work-related injury or illness and the above requirements are met.

NOTICE OF PREDESIGNATION OF PERSONAL PHYSICIAN

Employee: Complete this section.

To: _____ (name of employer) If I have a work-related injury or illness, I choose to be treated by:

(name of doctor)(M.D., D.O., or medical group)

(street address, city, state, ZIP)

(telephone number)

Employee Name (please print):

Employee's Address:

Employee's

Signature _____ Date: _____

Physician: I agree to this Predesignation:

Signature: _____ Date: _____

(Physician or Designated Employee of the Physician or Medical Group)

The physician is not required to sign this form, however, if the physician or designated employee of the physician or medical group does not sign, other documentation of the physician's agreement to be predesignated will be required pursuant to Title 8, California Code of Regulations, section 9780.1(a)(3).

Title 8, California Code of Regulations, section 9783.

(Optional DWC Form 9783 March 1, 2007)