



CAAA Floor Alert **Support For AB 1687 (Fong)**

SUMMARY

Assembly Bill 1687 amends current law to protect California injured workers by ensuring their next step options are disclosed when they receive notification that their request for medical treatment under a workers' compensation claim has been modified, delayed, or denied. Additionally, this bill would authorize the Workers Compensation Appeals Board to award reasonable attorney's fees to an applicant that has been awarded future medical treatment and incurs such legal costs when enforcing that medical treatment award.

BACKGROUND

California law recognizes the importance of protecting California workers who suffer from injuries or illnesses resulting from their job-related duties. Workers who are injured on the job often receive ongoing treatment under the workers compensation system. Workers' compensation treatment services are ultimately approved or denied by the employer's insurance pursuant to utilization review (UR) guidelines. Current law establishes communications between an injured worker and his or her employer's insurance company. A decision to approve a request by a physician for a worker's medical treatment shall specify the specific medical treatment service approved. Should medical treatment be modified, delayed, or denied the decision must state clear and concise reasons for the employer's decision, a description of the criteria reviewed, and the clinical reasons for the decisions regarding medical necessity.

However, because of a loophole in current law, after being denied care, many injured California workers are not being informed by the insurance company what their options are for objecting to a denial or modification of treatment and therefore, are unaware of what, if any, options are available to them.

Additionally, a worker who has received a workers compensation award for future medical treatment may experience a denial, modification or delay of some prescribed medical treatment that occurs many years after the claim has been closed and find themselves without representation to assist in navigating the process for appealing such denial. Current law does not allow for the Workers Compensation Appeals Board (WCAB) to award attorney's fees to the injured worker in the case where enforcement of a medical award is required.

SOLUTION

AB 1687 is a tool that protects an injured worker's right to be informed about their medical treatment options and strengthens their right to have proper legal counsel when appealing a UR denial where there exists an award for future or ongoing medical treatment. Specifically, AB 1687 requires that when injured workers are given explanations as to why the insurance company modified, delayed or denied medical services, they are also given available options to appeal such a decision and allows attorneys to be compensated for their efforts on behalf of injured workers to enforce previously awarded ongoing medical treatment.

SUPPORTERS

California Professional Firefighters
California Applicant Attorneys Association
California Labor Federation