

Personal Physician Predesignation and Change of Physician Rules Approved

March 2006

On March 14, 2006, The California Office of Administrative Law Department approved new rules and regulations pertaining to the predesignation of a personal physician. These rules and regulations provide clarification regarding how an injured employee must predesignate their personal treating physician and exactly what type of physicians can be predesignated.

****IMPORTANT**** - The section below applies to all employers whether or not you are participating in a Medical Provider Network (MPN).

Personal Physician Predesignation Rules:

Three conditions must be met in order for an employee to predesignate their personal treating physician:

1. The employee must notify the employer, **in writing**, of their personal physician **prior to the injury or illness**. The personal physician must be the employee's primary care physician who has previously directed their medical care and retains their medical history and records. The primary care physician must be a general practitioner, family practitioner, board eligible or board certified internist, pediatrician or obstetrician-gynecologist.
2. The employer offers non-occupational group health coverage.
3. The employee's personal physician must provide **written documentation, prior to the injury or illness** that they agree to be predesignated. An employee of the physician may be designated to provide this written documentation.

****IMPORTANT**** - For those predesignation forms currently on file, as of the effective date of these rules and regulations, they are only valid if the above requirements are met. The rules and regulations require that you notify employees regarding their rights. To assist our customers, attached is a sample letter you can utilize to notify your employees that the rules for predesignation have changed and to solicit updated predesignation forms that meet the new requirements.

Unless the employee agrees, the rules prohibit the employer and Keenan from contacting the predesignated personal physician to confirm the predesignation status until the physician has started to provide treatment for the industrial injury.

For employers who are participating in a Medical Provider Network (MPN), employees who predesignate their personal physician, in accordance with the rules outlined above, are not subject to the Medical Provider Network.

Request for Change of Physician Rules:

****IMPORTANT**** - The section below does not apply if you are participating in a Medical Provider Network (MPN).

For those employers that are not participating in a Medical Provider Network and whose injured employee has not predesignated their personal treating physician (as outlined in the section above), the employer continues to retain medical control for the first 30 days after the injury is reported.

Within the first 30 days after reporting the injury, the injured employee can request a change of physicians and the employer, through Keenan, must provide an alternate physician (a chiropractor or acupuncturist if requested by the employee) within 5 working days. The employee must first be seen by a physician of the employer's choice.

If the employee requests a change of physicians, and has notified the employer, *in writing*, prior to the date of injury, that they have a personal chiropractor or personal acupuncturist, upon request the employee shall be authorized to change treatment to their personal chiropractor or acupuncturist. The personal chiropractor or personal acupuncturist does not have to agree, or provide written documentation, prior to the date of the injury.

As the employer, you must provide your employees an optional form they can use to notify you of their personal chiropractor or personal acupuncturist (attached).

After 30 days from the date the injury is reported, the employee continues to have the right to be treated by a physician or a facility of his or her own choice within a reasonable geographic area.

If you are using the Keenan provided posting notice, it is in compliance with the new requirements. The Keenan "New Hire Pamphlet" has been revised (revision date of March 2006) to comply with notification requirements. For those employees that have previously predesignated a personal chiropractor or personal acupuncturist, after seeing a physician of the employer's choice, upon request by the employee, a change of physicians must be granted to the personal chiropractor or acupuncturist. **Again, this section only applies if you are not participating in a Medical Provider Network (MPN).**

For your convenience attached are Keenan's updated New Hire Pamphlet, Personal Physician Predesignation form and Personal Chiropractor/Acupuncturist form. Additional copies can be requested by contacting Dara Overholt at 310-212-0363 x3740 or doverholt@keenand.com. These forms are also available on our web site at www.keenan.com.

If you have any questions regarding the information contained in this *Briefing*, please feel free to contact your Account Executive, Workers' Compensation Analyst or Christine Gerbasi at 310-212-0363 x3760 or cgerbasi@keenand.com.

Enclosures:

Sample employee letter (optional form)

Keenan Form "Predesignation of Personal Physician" (optional form)

Keenan Form "Notice of Personal Chiropractor or Personal Acupuncturist" (optional form)

New Hire Pamphlet (required form)

SAMPLE EMPLOYEE LETTER REGARDING PREDESIGNATION RULES

Date

Employee Name
Address
City, State, Zip

RE: Workers' Compensation: Change to Personal Physician Predesignation Rules

Dear Employee:

On March 14, 2006 the rules outlining your rights to predesignate your personal treating physician, in the event of an industrial injury or illness, have changed. Effective March 14, 2006 to be eligible you must meet the following criteria:

1. Your predesignated personal physician must be your primary treating physician that has previously directed your medical care and who retains your medical history and records.
2. Your predesignated personal physician must be your primary treating physician that has limited his or her practice of medicine to general practice or who is board-certified or board eligible internist, pediatrician, obstetrician-gynecology or family practitioner.
3. You must provide the name and address of your predesignated personal physician **in writing**, prior to being injured and you must provide **written** documentation that your physician has agreed to be predesignated.

Prior personal physician predesignations **are not valid** unless all the above criteria are met and have been received, in writing, prior to your industrial injury or illness. Attached is an optional form you can use to predesignate your personal physician that ensures compliance with the new rule changes. Again, in order for your predesignation to be valid it must meet the above criteria and be received, in writing, prior to your injury or illness.

If you have any questions please contact _____.

Sincerely,

Enclosures:

Personal Predesignation form

[enter employer name]

workers' compensation: Pre-Designation of Personal Physician

If your employer offers group health insurance and you are injured on the job you have the right to be treated immediately by your personal physician (M.D., D.O) if you notify your employer, in writing, prior to the injury. Per Labor Code 4600 to qualify as the your predesignated, personal physician, the physician must agree, in writing, to treat you for a work related injury, must have previously directed your medical care and must retain your medical history and records. Your predesignated physician must be a general practitioner, family practitioner, board certified or board eligible internist, pediatrician or obstetrician-gynecologist.

This is an optional form that can be used to notify your employer of your personal physician. You may choose to use another form, as long as you notify your employer in writing prior to being injured on the job and provide written verification that your personal physician meets the above requirements and agrees to be predesignated. Otherwise, you will be treated by one of your employers' designated worker's compensation medical providers.

EMPLOYEE NAME: _____

I acknowledge receipt of this form and elect not to predesignate my personal physician at this time. I understand that I will receive medical treatment from my employer's medical provider. I understand that, at any time in the future, I can change my mind and provide written notification of my personal physician. I understand that the written notification must be on file prior to an industrial injury.

Employee Signature: _____ Date: _____

If I am injured on the job, I wish to be treated by my personal physician*:

Name of Physician _____ Phone Number _____

Physician Address _____

*This physician is my personal physician who has previously directed my medical care and retains my medical history and records.

Employee Signature: _____ Date: _____

A Personal Physician must be willing to be predesignated and treat you for a worker's compensation injury. The remainder of this form is to be completed by your physician and returned to your Employer.

PERSONAL PHYSICIAN ACKNOWLEDGEMENT

Per Labor Code 4600 to qualify you must meet the criteria outlined above. You are not required to sign this form, however, if you or your designated employee, does not sign, other written 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).

PERSONAL PHYSICIAN NAME: _____

I agree to treat the above named employee in the event of an industrial accident or injury. I meet the criteria outlined above. I agree to adhere to the Administrative Director's Rules and Regulations, Section 9785, regarding the duties of the employee-designated physician.

I do not agree to treat the above employee in the event of an industrial accident or injury.

I do not qualify as the employees' personal physician. I am not an M.D. or D.O. or do not meet the criteria outlined above.

Physician Signature

Date

Please return completed form to:

[enter employer name, address and fax number]

[enter employer name]
workers' compensation
Notice of Personal Chiropractor or Personal Acupuncturist

If your employer **does not** participate in a Medical Provider Network (MPN) you may be able to change your treating physician to your personal chiropractor or acupuncturist. Generally your employer, or Keenan, has the right to select your treating physician within the first 30 days after your employer knows of your injury or illness. After your employer, or Keenan, initiates treatment you may, upon request, have your treatment transferred to your personal chiropractor or acupuncturist. To be eligible you must notify your employer **in writing prior to being injured.**

Chiropractor or Acupuncturist Name: _____

Address: _____

Phone Number: _____

Employee Name: _____

Employee Address: _____

Employee Signature: _____ Date: _____

Please return completed form to:
[enter employer name, address and fax number]

new hire pamphlet

If a work injury occurs

California law guarantees certain benefits to employees who are injured or become ill because of their jobs.

Any job related injury or illness is covered. Types of injuries include, but may not be limited to, strains, sprains, cuts, cumulative or repetitive traumas, fractures, illnesses and aggravations. Some injuries from voluntary, off duty, recreational, social or athletic activity may not be covered. Check with your supervisor or Keenan & Associates if you have any questions.

All work related injuries must be reported to your supervisor immediately. Don't delay. There are time limits. If you wait too long, you may lose your right to benefits. Your employer is required to provide you a claim form within one working day after learning about your injury.

It is a misdemeanor for an employer to discriminate against workers who are injured on the job or who testify in another employee's case. Any such employee may be entitled to compensation, reinstatement and reimbursement for lost wages and benefits.

Workers' compensation benefits include

Medical Care – All medical treatment, without a deductible or dollar limit. For dates of injury on or after 1/1/04 there is a limit of 24 chiropractic, 24 physical therapy and 24 occupational therapy visits. Costs are paid directly by Keenan & Associates, through your employers workers' compensation program, so you should never see a bill.

If emergency treatment is required go to the nearest emergency room or contact 911.

Keenan & Associates will arrange medical treatment, often by a specialist for the particular injury. Medical Provider Networks (effective 1/1/05) and/or Preferred Provider Networks may be utilized for physicians as well as medical care centers. If you would like to obtain a list of network providers please contact your employer or Keenan & Associates. Keenan & Associates phone numbers are listed on the reverse side.

If your employer offers group health insurance you are eligible to treatment with your personal physician should be become injured on the job. If you are eligible, **before you are injured**, you must notify your employer **in writing** and provide your employer **written** documentation from your personal physician that they agree to be predesignated. Your personal physician must be your regular primary care physician who previously directed your medical

treatment, who retains your medical history and records. You may only predesignate your primary care physician if their practice is limited to general practice, who is board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist or family practitioner.

If your employer **does not** participate in a Medical Provider Network (MPN) you may be able to change your treating physician to your personal chiropractor or acupuncturist. Generally your employer, or Keenan, has the right to select your treating physician within the first 30 days after your employer knows of your injury or illness. After your employer, or Keenan, initiates treatment you may, upon request, have your treatment transferred to your personal chiropractor or acupuncturist. To be eligible you must notify your employer **in writing prior to being injured**.

Your employer will provide you with a form to use an optional method to predesignate your personal physician.

Contact Keenan & Associates if you plan to change physicians at any time.

Payment for Lost Wages - If you're temporarily disabled by a job injury or illness, you'll receive tax-free income until your doctor says you are able to return to work. Payments are two-thirds of your average weekly pay, up to a maximum set by state law. Payments aren't made for the first three days unless you are hospitalized in an inpatient basis or unable to work more than 14 days.

If the injury or illness results in permanent disability, additional payments will be made after recovery. If the injury results in death, benefits will be paid to surviving dependents.

Rehabilitation – For date of injury 12/31/03 and prior -If the injury or illness prevents you from returning to your usual job, and a modified job or alternative work isn't offered by your employer, you may qualify for vocational rehabilitation. **For dates of injury on or after 1/1/04** - you may be entitled to a **Supplemental Job Displacement Voucher**, which entitles you to a voucher for educational training.

How to obtain additional information

Contact your employer representative or Keenan & Associates if you have questions about workers' compensation benefits. You may also contact an Information and Assistance Officer at the State Division of Workers' Compensation. You can consult an attorney. Most attorneys offer one free

consultation. If you decide to hire an attorney, his or her fee will be taken out of some of your benefits. For names of workers' compensation attorneys, call the State Bar of California at 415-538-2120.

Department of Workers' Compensation Information and Assistance Offices

You can get free information from a state Division of Workers' Compensation Information & Assistance Officer. The phone numbers are listed below. Hear recorded information by calling toll-free 800-736-7401 or visit www.dir.ca.gov.

Anaheim	714-738-4038
Bakersfield	661-395-2514
Eureka	707-441-5723
Fresno	559-445-5355
Goleta	805-968-4158
Grover Beach	805-481-3296
Long Beach	562-590-5240
Los Angeles	213-576-7389
Oakland	510-622-2861
Oxnard	805-485-3528
Pomona	909-623-8568
Redding	530-225-2047
Riverside	909-782-4347
Sacramento	916-263-2741
Salinas	831-443-3058
San Bernardino	909-383-4522
San Diego	619-767-2170
San Francisco	415-703-5020
San Jose	408-277-1292
Santa Ana	714-558-4597
Santa Monica	310-452-1188

Santa Rosa	707-576-2452
Stockton	209-948-7980
Van Nuys	818-901-5374

Keenan & Associates adjusting locations

Torrance
800-654-8102

Eureka
707-268-1616

Rancho Cordova
800-343-0694

Redwood City
650-306-0616

Riverside
800-654-8347

San Jose
800-334-6554