

# TABLE OF CONTENTS

## PAGE 7 - 44: CHAPTER ONE: INTRODUCTION TO WORKERS COMP FOR MEDICAL PROVIDERS (WHAT ALL MEDICAL PROVIDERS NEED TO KNOW)

### I. ADMITTED INJURY EMPLOYEE REPORTS INJURY

- Cal Lab Code § 5400
- Cal Lab Code § 5402 (c)
- Heike M. Ruvalcaba, Applicant v. Scott Roberg, DPM, State Compensation Insurance Fund, Defendants W.C.A.B. No. OXN 0129714--Workers' Compensation Appeals Board (Panel Decision)Opinion Filed March 9, 2007:
- Cal Lab Code § 4600 (c)
- Braewood Convalescent Hospital v. Workers' Comp. Appeals Bd. (Bolton) (1983) 34 Cal. 3d 159, 161-162 [666 P.2d 14, 193 Cal. Rptr. 157] [48 Cal.Comp.Cases 566 The California Supreme Court has noted that:

### II. ADMITTED INJURY MEDICAL PROVIDER NETWORK (MPN)

- Labor Code §4616.3 and California Code of Regulations, title 8, section 9767.12(a). Section 4616.3
- Bruce Knight, United Parcel Service; and Liberty Mutual Insurance Company October 10, 2006 71 Cal. Comp. Cases 1423:
- Voss v. Workers' Comp. Appeals Bd., (1974)10 Cal. 3d 583, 588; 516 P.2d 1377, 1380, 39 Cal. Comp. Cas. 56:
- 8 CCR § 9767.9(f)
- 8 CCR 9792.6 (o)
- State Comp. Ins. Fund v. Workers' Comp. Appeals Bd. (Sandhagen) (2008) 44 Cal.4th 230 [73 Cal.Comp.Cases 981] (Sandhagen)
- Carl Dixon, Applicant v. Phillips Buick, Pontiac & Mazda, Clarendon National Insurance Company, Administered By LWP Claims Solutions, Defendants, 2010 Cal. Wrk. Comp. P.D. LEXIS 343, Opinion Filed August 23, 2010:

### III. ADMITTED INJURY OR DENIED INJURY GETTING CASE TO WCAB

- Cal. Lab. Code § 5405
- McDaniel v. Workers' Comp. Appeals Bd., (1990) 218 Cal. App. 3d 1011, 267 Cal. Rptr. 440, 1990 Cal. App. LEXIS 262, 55 Cal. Comp. Cas. 72:
- Cal Lab Code § 5501
- Labor Code section 5501.5

### IV. LIEN FILING

- Cal Lab Code § 4903.5 (a)
- Loc Tran, Applicant v. Viet Nguyen Trucking Company, American All Risk Loss Administrators, Defendants W.C.A.B. No. AHM 0080703—WCAB Workers' Compensation Appeals Board (Panel Decision) 2007 Cal. Wrk. Comp. P.D. LEXIS 42 Opinion Filed July 30, 2007:
- Cal Lab Code § 5803
- County of Los Angeles v. Workers' Compensation Appeals Bd.,(2002) 67 Cal. Comp. Cas. (MB) 1349; 1353:

### V. Lien Filing for Future Medical Treatment

- County of Los Angeles v. Workers' Compensation Appeals Bd., (2002) 67 Cal. Comp. Cas. (MB) 1349; 1353;
- Town of Hillsborough v. Workers' Compensation Appeals Bd., (2003) 68 Cal. Comp. Cas. 304; 307;

VI. 8 CCR § 10240 Appearances Required

VII. 8 CCR § 10562 Failure to Appear

VIII. 8 CCR § 10629. Filing and Listing of Exhibits

- County of Sacramento v. Worker's Comp. Appeals Bd., (1999) 64 Cal. Comp. Cas. 26;
- Cal Lab Code § 5502 (e)(3)
- Stelling Robinson, Petitioner v. Workers Compensation Appeals Board of the State of California and Republic Indemnity Company of America, Respondents. F008164 Court of Appeal, Fifth Appellate District 52 Cal. Comp. Cas 419, 422”

IX. DENIED INJURY EMPLOYEE REPORTS INJURY

- Cal Lab Code § 5400
- Cal Lab Code § 5402 (c)
- Cal Lab Code § 4600 (c)
- Luis Gonzalez (Luis Gonzalez Valladeres), Applicant v. San Cristobal Distributing, State Compensation Insurance Fund, Defendants No. ADJ6448504 (Panel Decision)Opinion Filed November 12, 2010:
- “Hold Harmless Clause”
- Manuel Barajas, Applicant v. F&H Cold Storage, Applied Risk Omaha, Defendants, 2010 Cal. Wrk. Comp. P.D. LEXIS 396, Opinion Filed September 7, 2010: which held:
- En Banc Decision of Bruce Knight, United Parcel Service; and Liberty Mutual Insurance Company October 10, 2006 71 Cal. Comp. Cases 1423, 1436; which held:
- Voss v. Workers' Comp. Appeals Bd., (1974)10 Cal. 3d 583, 588; 516 P.2d 1377, 1380, 39 Cal. Comp. Cas. 56;
- En Banc Decision of Simmons v. California, (W.C.A.B. 2005)70 Cal. Comp. Cases 866, 877:
- Cal Lab Code § 4610 (a)
- Pullman Kellogg v. Workers' Comp. Appeals Bd., (1980) 26 Cal. 3d 450, 454; 161 Cal. Rptr. 783,785; 605 P.2d 422,424; 45 Cal. Comp. Cas. 170, 172: “
- Cal Lab Code § 3202.5
- Spillane v. Workers' Comp. Appeals Bd., (1969)269 Cal. App. 2d 346;348, 74 Cal. Rptr. 671; 673
- Hart v. Workers' Comp. Appeals Bd., (1978) 82 Cal. App. 3d 619; 626, 147 Cal. Rptr. 384; 389:
- Kellogg Co. v. Workers' Compensation Appeals Bd. (Battle), (1996) 61 Cal. Comp. Cas. (MB) 519, 521:
- Pirelli Armstrong Tire Co. v. Workers' Compensation Appeals Bd., (2003) 68 Cal. Comp. Cas. 970, 973
- Labor Code § 3751 (b)
- State Co. Ins. Fund v. Workers' Comp. Appeals Bd., (1983) 148 Cal. App. 3d 649, 196 Cal. Rptr. 169, 48 Cal. Comp. Cas. (MB) 852

X. DENIED INJURY EMPLOYEE FILES CLAIM OF INJURY AFTER TERMINATION

- Labor Code section 3600(a)(10) (A)
- Labor Code section 3600(a)(10)
- Cal Lab Code § 5411;
- Cal Lab Code § 5412
- Chaparral Construction & Development v. Workers' Compensation Appeals Bd., (2006) 71 Cal. Comp. Cas. (MB) 879
- Leprino Foods v. Workers' Compensation Appeals Bd., (2007) 72 Cal. Comp. Cas. 605; 612,

**XI. FEE SCHEDULE ISSUES**

**Article on “Fees Above Fee Schedule When The Fee Schedules Unreasonable”.**

**XII. PETITIONS FOR RECONSIDERATION**

- **8 CCR § 10507 Time Within Which to Act When a Document is Served by Mail, Fax, or E-Mail**
- **Cal Lab Code § 5903. Time for filing petition; Grounds**
- **8 CCR § 10840. Filing Petitions for Reconsideration, Removal, and Disqualification and Answers**

**XIII. ISSUES REGARDING MPN / CAUSATION / MEDICAL NECESSITY**

**XIV. PRE-TRIAL CONFERENCE STATEMENTS ARE LOSING THEIR PURPOSE FOR LIEN CLAIMANTS**

**XV. Lien Filing for Future Medical Treatment**

**XVI. PSYCHE TREATMENT FOR CONSEQUENCE OF PHYSICAL INJURY WHEN PSYCHE INJURY NOT PLEADED NOR SETTLED IN CLOSING DOCUMENTS.**

**XVII. Penalties and Interest on medical Bills**

**XVIII. Bill Review Companies Selling PPO Discounts**

**XIX. Finding Information**

- [http://www.dir.ca.gov/dwc/dwc\\_newsline.html](http://www.dir.ca.gov/dwc/dwc_newsline.html)
- <http://www.dir.ca.gov/dwc/MedicalProvider.htm>
- <http://www.dir.ca.gov/>
- <http://www.dir.ca.gov/wcab/wcab.htm>
- [http://www.dir.ca.gov/wcab/wcab\\_panel.htm](http://www.dir.ca.gov/wcab/wcab_panel.htm)
- <http://www.dir.ca.gov/dwc/OMFS9904.htm>
- <http://www.dir.ca.gov/dwc/forms.html>
- <http://www.dir.ca.gov/dwc/eams/eams.htm>
- <http://www.dir.ca.gov/dwc/Liens/Liens.html>
- <http://workcompliens.com/>
- [http://www.dir.ca.gov/dwc/EAMS/EAMS\\_PublicSearch.htm](http://www.dir.ca.gov/dwc/EAMS/EAMS_PublicSearch.htm)

**PAGE 45 - 56: CHAPTER TWO: FILING AN APPLICATION, LIEN AND DECLARATION OF READINESS (DOR)**

**Filing an Application by a Medical Provider:**

- **McDaniel v. Workers' Comp. Appeals Bd.**, (1990) 218 Cal. App. 3d 1011, 267 Cal. Rptr. 440, 1990 Cal. App. LEXIS 262, 55 Cal. Comp. Cas. (MB) 72:
- **Lab C § 5501.**
- **Independence Indem. Co. v. Industrial Acci. Com.**, (1935) 2 Cal. 2d 397, 408; 41 P.2d 320, 401
- **Labor Code section 5501.5**
- **Cal. Lab. Code § 5405**
- **§10770.5.**

**FILING A LIEN**

- **Cal Lab Code § 4903.5**
- **LOCTRAN, Case No. AHM0080703**

- **8 CCR § 10886**
- **Kaiser Foundation Hospitals v. Workers' Comp. Appeals Bd.**, (1984) 155 Cal. App. 3d 917, 202 Cal. Rptr. 520
- **LACHES, DOCTRINE OF**
- **Lien Filing for Future Medical Treatment**
- **Cal Lab Code § 5803**
- **County of Los Angeles v. Workers' Compensation Appeals Bd.**, (2002) 67 Cal. Comp. Cas. (MB) 1349; 1353
- **Town of Hillsborough v. Workers' Compensation Appeals Bd.**, (2003) 68 Cal. Comp. Cas. 304; 307
- **§10770**

#### **Filing A Declaration of Readiness (DOR)**

- **§10770.6**

#### **PAGE 57 - 78: CHAPTER THREE: APPEARING AT THE APPEALS BOARD**

- **Workers' Compensation Appeals Board (WCAB) - Policy and Procedural Manual**
- Policy & Procedural Manual (.pdf 436kb)
- Policy & Procedural Manual (MS Word 343kb)
- **§10240. Appearances Required.**
- **PRE-TRIAL CONFERENCE STATEMENTS ARE LOSING THEIR PURPOSE FOR LIEN CLAIMANTS**
- **Cal Lab Code § 5502 (e)(3)**
- **8 CCR § 10629 (d)**
- **County of Sacramento v. Worker's Comp. Appeals Bd.**, (1999) 64 Cal. Comp. Cas. 26
- **DWC glossary of workers' compensation terms**

#### **PAGE 79 - 92: CHAPTER FOUR: UTILIZATION REVIEW**

- **State Comp. Ins. Fund v. Workers' Comp. Appeals Bd.** (*Sandhagen*) (2008) 44 Cal.4th 230 [73 Cal.Comp.Cases 981] (*Sandhagen*)
- **Carl Dixon, Applicant v. Phillips Buick, Pontiac & Mazda, Clarendon National Insurance Company, Administered By American All Risk Loss Administrators, Security Insurance Company, Administered By LWP Claims Solutions, Defendants,** 2010 Cal. Wrk. Comp. P.D. LEXIS 343, Opinion Filed August 23, 2010: “
- **Definitions of Utilization Review**
- **Utilization Review in Admitted Case**
- **Utilization Review in Denied Cases**
- **Cal Lab Code § 5402**
- **Heike M. Ruvalcaba, Applicant v. Scott Roberg, DPM, State Compensation Insurance Fund, Defendants W.C.A.B. No. OXN 0129714--Workers' Compensation Appeals Board (Panel Decision) Opinion Filed March 9, 2007:**
- **En Banc Decision of Simmons v. California,** 70 Cal. Comp. Cases 866 (W.C.A.B. 2005):
- **Labor Code Section 4610(a)**
- **Special Rules Apply for Requesting Spinal Surgery**
- **Cervantes v. Workers' Comp. Appeals Bd.**, (En Banc) (2009)74 Cal. Comp. Cas. (MB) 1336
- **En Banc Decision in California Insurance Guarantee Association; and Broadspire (Servicing Facility),** September 19, 2009 ADJ3675309 (SAL 0081669) ADJ2967795 (SAL 0101259) ADJ3517685 (SAL 0077391)ADJ1962561 (SAL 0077392)
- **Rule 9792.6(o)**

- **California Insurance Guarantee Association; and Broadspire (Servicing Facility)**, September 19, 2009 ADJ3675309 (SAL 0081669) ADJ2967795 (SAL 0101259) ADJ3517685 (SAL 0077391)ADJ1962561 (SAL 0077392)

**PAGE 93 - 112: CHAPTER FIVE: SELF-PROCURED MEDICAL TREATMENT**

- **Regents of the University of California v. Workers' Compensation Appeals Bd.**, (2005) 70 Cal. Comp. Cas. (MB) 1733: “The case is Kenneth Grom vs. Shasta Wood Products (2004) 69 Cal. Comp. Cases 1567 (WCAB significant panel decision)].
- **Labor Code § 3751. (b)**
- **Utilization Review in Denied Case**
- **Kellogg Co. v. Workers' Compensation Appeals Bd. (Battle)**, (1996) 61 Cal. Comp. Cas. (MB) 519, 521:
- **Cal Lab Code § 3600** Conditions essential
- **Cal Lab Code § 5412.**
- **Cal Lab Code § 5411:**
- **Granado v. Workmen’s Comp. App. Bd.** (1968) 69 Cal. 2d 399, 404 [71 Cal. Rptr. 678, 445 P.2d 294];
- **THOMAS V. SPORTS CHALET, INC.** (1977) 42 Cal.Comp.Cases 625,

**SELF-PROCURED MEDICAL TREATMENT AND BEING PAID USUAL AND CUSTOMARY FEES.**

- **CNA Ins. Cos. v. Workers' Compensation Appeals Bd. (Valdez)**, (1997) 62 Cal. Comp. Cas. (MB) 1145, 1146:
- **Kunz v. Patterson Floor Coverings Inc.**, (2002) 67 Cal. Comp. Cas. (MB) 1588, 1598
- **Gould v. Workers' Comp. Appeals Bd.** (1992) 4 Cal.App.4th 1059, 1071 [6 Cal. Rptr. 2d 228] [57 Cal. Comp. Cases 157, 165].)
- **Tapia v. Workers' Comp. Appeals Bd.**, (2008) 73 Cal. Comp. Cas. (MB) 1338, 1340;
- **Granado v. Workmen’s Comp. App. Bd.** (1968) 69 Cal. 2d 399, 404 [71 Cal. Rptr. 678, 445 P.2d 294];
- **Save Mart v. Workers' Compensation Appeals Bd.**, 73 Cal. Comp. Cas. 23; 28
- **Cal Lab Code § 4601**
- **8 CCR 9785**

**PAGE 113 - 120: CHAPTER SIX: MEDICAL PROVIDER NETWORKS (MPNS)**

- **Bruce Knight, United Parcel Service; and Liberty Mutual Insurance Company October 10, 2006** 71 Cal. Comp. Cases 1423:“
- **Walter Roque, Applicant v. Louise's Trattoria, Liberty Mutual Insurance Company, Defendants**, 2008 Cal. Wrk. Comp. P.D. LEXIS 349, Opinion Filed April 21, 2008:
- **8 CCR 9767.5**

**Transferring Medical Treatment Into An MPN After The Injured Worker Had Been Treating Outside The MPN.**

- **Section 4616.2(d)**

**PAGE 121 - 136: CHAPTER SEVEN: USUAL AND CUSTOMARY FEES**

- **Labor Code § 5307.**
- **8 CCR 9792(c)**
- **Labor Code 4600 (a).**
- **En Banc Decision of Tapia v. Skill Masters Staffing** (2008) 73 Cal.Comp.Cases 1338, 1340 (Appeals Board en banc) (*Tapia*)
- Panel Decision of **Guillermo Bayley, Applicant v. YMCA of the East Bay, Travelers Insurance, Defendants; Stanford University Medical Center, Lien Claimant** W.C.A.B. No. ADJ2367528 (SFO

0509283)-- Workers' Compensation Appeals Board (Panel Decision) 2011 Cal. Wrk. Comp. P.D. LEXIS 149 Opinion Filed March 22, 2011

- **Gould v. Workers' Comp. Appeals Bd.** (1992) 4 Cal. App. 4th 1059, 1068-1069 [6 Cal. Rptr. 2d 228] / ,
- **Robert Klittich, Applicant v. Green Thumb International, State Compensation Insurance Fund, Defendants**, 2008 Cal. Wrk. Comp. P.D. LEXIS 866, Opinion Filed August 11, 2008
- **8 CCR 9789.22 (j)**

#### **PAGE 137 - 142: CHAPTER EIGHT: FICTITIOUS BUSINESS NAME**

- **Business and Professions Code section 2285**
- **Business and Professions Code section**
- **Cal Bus & Prof Code § 2415 Fictitious-name permit**
- **Eduardo Alberdin (lead consolidated case), Robert Wileman, San Juana Ortega, et. al., Applicants v. State Compensation Insurance Fund, California Insurance Guarantee Association, Travelers Casualty Company of America, et. al., Defendants**, 2009 Cal. Wrk. Comp. P.D. LEXIS 477, Opinion Filed September 21, 2009:

#### **PAGE 143 - 146: CHAPTER NINE: 24 VISIT CAP ON CHIROPRACTIC VISITS**

- **Cal Lab Code § 4604.5 (d) (1)**
- **Cal Lab Code § 4604.5 (d) (2)**
- **Cal Lab Code § 4604.5 (d) (3)**
- **Brenda X. Flores, Applicant v. Masterpiece Artist, Zenith Insurance Company, Defendants**, 2007 Cal. Wrk. Comp. P.D. LEXIS 18, Opinion Filed May 3, 2007
- **Regents of the University of California v. Workers' Compensation Appeals Bd.**, (2005) 70 Cal. Comp. Cas. (MB) 1733
- **Kenneth Grom vs. Shasta Wood Products** (2004) 69 Cal. Comp. Cases 1567 (WCAB significant panel decision)]. **Facundo-Guerrero v. Workers' Comp. Appeals Bd.**, (2008) 163 Cal. App. 4th 640, 77 Cal. Rptr. 3d 731,
- **State Comp. Ins. Fund v. Workers' Comp. Appeals Bd. (Sandhagen)** (2008) 44 Cal. 4th 230, 233-234 (*State Comp.*),
- **Labor Code section 4610**

#### **PAGE 147 - 154: CHAPTER TEN: DISCOVERY**

- **Ameri-Medical Corp. v. Workers' Comp. Appeals Bd.**, (1996) 42 Cal. App. 4th 1260, 1288 50 Cal. Rptr. 2d 366, 384:
- **Cal Code Civ Proc § 2017.010**
- **Cal Evid Code § 403**
- **Cal Code Civ Proc § 2018.030**
- **Cal Evid Code § 915**
- **Cal Evid Code § 1016**
- **Cal Code Civ Proc § 2025.010**
- **Cal Code Civ Proc § 2016.040**
- **Cal Code Civ Proc § 2025.420**
- **Cal Lab Code § 5502 (3)**
- **County of Sacramento v. Worker's Comp. Appeals Bd.** (1999, Cal App 3d Dist) 68 Cal App 4th 1429, 81 Cal Rptr 2d 266,
- **Liberty Mutual Ins. Co. v. Superior Court**, (1992) 10 Cal. App. 4th 1282, 13 Cal. Rptr. 2d 363:
- **Plus Collection Booklet 12 Flowcharts Regarding Lien Issues**
- **Plus 100 pages of lien issues and authorities listed alphabetically (over 300 issues and authorities listed)**