

N E W S L I N E

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Office of Administrative Law has Approved DWC's Final Version of the Predesignation of Personal Physicians and Reporting Duties of the Primary Treating Physician Rulemaking

The Office of Administrative Law (OAL) has approved changes to the current regulations concerning Predesignation of Personal Physicians and Reporting Duties of the Primary Treating Physician. The amended regulations were filed by OAL with the Secretary of State on February 12, 2014 and will take effect on July 1, 2014.

The [final regulations](#) change certain criteria that an employee must meet to predesignate a personal physician or medical group for work-related injuries or illnesses to conform to SB 863. The amendments also interpret and clarify what is meant by "chiropractic visits" under Labor Code section 4604.5 and limit the number of chiropractic visits an injured worker may have unless a specific exception applies.

The regulations also revise the method for an employee to designate a personal physician to provide them with treatment in case of a medical injury.

- The [optional predesignation form](#) has been revised to state that an employee may predesignate a personal physician if, in addition to the other required preconditions, the employee has health care coverage for nonoccupational injuries or illnesses on the date of injury.
- The [optional form](#) for an employee to use to predesignate a personal chiropractor or personal acupuncturist has been amended to advise the employee that for dates of injury on or after January 1, 2004, a chiropractor cannot be a treating physician after the employee has received 24 chiropractic visits unless the employer has authorized additional visits in writing. The form advises the injured worker that:
- Once the employee has received 24 chiropractic visits, if the employee still requires medical treatment, the employee will have to select a new physician who cannot be a chiropractor. This prohibition shall not apply to the provision of postsurgical physical medicine prescribed by the surgeon or physician

designated by the surgeon pursuant to the postsurgical component of the Division of Workers' Compensation's (DWC) Medical Treatment Utilization Schedule.

The [regulations](#) concerning the reporting duties of primary and secondary treating physicians have been revised to also state that:

- for dates of injury on or after January 1, 2004, a chiropractor shall not be a treating physician after the employee has received 24 chiropractic visits unless the employer has authorized additional visits in writing;
- for purposes of each subdivision, the term "chiropractic visit" means any chiropractic office visit, regardless of whether the services performed involve chiropractic manipulation or are limited to evaluation and management.

Please be sure to review the final regulations as posted on the DWC webpage, to ensure compliance with the revised regulations. Both amended forms will be made available in English and Spanish version and as Microsoft Word and fillable PDF documents.

The Predesignation process: how to predesignate a personal physician to treat you for an industrial injury:

If you are eligible, you can choose to predesignate a personal physician or medical group to treat you for an industrial injury. To be eligible, an employee must have health care coverage for nonoccupational injuries or illnesses in a plan, policy, or fund that meets the criteria set out in the Labor Code.

To predesignate your personal physician or medical group, you must notify your employer in writing prior to your industrial injury. The notice must contain the personal physician or medical group's name and business address, and the name of the plan, policy, or fund providing the employee with health care coverage for nonoccupational injuries or illnesses

You may prepare your own written notice to your employer, use optional DWC Form [9783](#) provided by DWC, or use a form provided by your employer.

If you do not use the DWC form, you must make sure to include the following information on the notice:

1. The name of your employer.
2. A statement that if you are hurt on the job, you designate your personal physician or medical group to provide medical care. Give the physician or medical group's name, address, and phone number.
3. Your name
4. Your signature
5. Date

You cannot predesignate unless the physician or medical group you predesignate agrees in advance to treat you for job injuries and illnesses. You can document the agreement by having the physician, an employee of the physician, or an employee of the medical group sign the predesignation form, or by getting some other form of documentation of their agreement. Include the documentation when you give your employer the predesignation form or statement.

You can predesignate a doctor of medicine (MD) or doctor of osteopathy (DO) who treated you in the past and has your medical records. The doctor must be a general practitioner, internist, pediatrician, obstetrician-gynecologist, or family practitioner who is your primary care physician. You cannot predesignate your personal chiropractor or acupuncturist, but if you give your employer the name of your personal chiropractor or acupuncturist in writing before you are injured, you may switch to this chiropractor or acupuncturist upon request, after you first see a doctor chosen by a claims administrator (a person who handles workers' compensation claims for your employer).

You may also predesignate a medical group if it meets the following criteria:

- The medical group is composed of licensed doctors of medicine (MD) or doctors of osteopathy (DO)
- The medical group offers and coordinates both primary care and care in other medical specialties
- The medical group mostly treats medical conditions that are unrelated to work

If you have any questions about whether you can predesignate a personal physician, you can ask your employer or an information and assistance officer of the Division of Workers' Compensation. For recorded information and a list of information and assistance offices, call (800) 736-7401.

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