

TRANSFER OF CARE POLICY

A. If an injured employee is being treated for an occupational injury or illness by a physician or provider prior to coverage of a medical provider network, and the employee's physician or provider becomes a provider within The MPN that applies to the injured employee, then The MPN shall inform the employee and his/her physician or provider that his/her treatment is being provided by his/her physician or provider under the provisions of The MPN.

B. Employer shall provide for the completion of treatment for injured employees who are being treated outside of The MPN for an occupational injury or illness that occurred prior to the coverage of The MPN, including injured employees who pre-designated a physician and do not fall within the Labor Code section 4600, for the following conditions:

(1) An acute condition. An acute condition is a medical condition that involves a sudden onset of symptoms due to an illness, injury, or other medical problem that requires prompt medical attention and that has a duration of less than 90 days. Completion of treatment shall be provided for the duration of the acute condition.

(2) A serious chronic condition. A serious chronic condition is a medical condition due to a disease, illness, catastrophic injury, or other medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over ninety (90) days and requires ongoing treatment to maintain remission or prevent deterioration. Completion of treatment shall be provided for a period of time necessary, up to one (1) year to complete a course of treatment approved by the employer or insurer and to arrange for transfer to another provider within The MPN, as determined by the insurer or employer. The one year period for completion of treatment starts from the date of injured workers receipt in writing of the MPN's determination that the employee has a serious chronic condition.

(3) A terminal illness. A terminal illness is an incurable or irreversible condition that has a high probability of causing death within one year or less. Completion of treatment shall be provided for the duration of a terminal illness.

(4) Performance of a surgery or other procedure that is authorized by the insurer or employer as part of a documented course of treatment and has been recommended and documented by the provider to occur within 180 days of the MPN coverage effective date.

C. Nothing in this section shall preclude an insurer or employer from agreeing to provide medical care with providers outside of The MPN.

D. Following determination of the injured employee's medical condition, if the employer or insurer decides to transfer the covered employee's medical care to the MPN, the insurer or employer shall notify the employee of the determination regarding the completion of treatment and of the decision made to transfer medical care into the MPN. The notification shall be sent to the employee's residence and a copy of the letter shall be sent to the employee's primary treating physician. The notification shall be written in a language common to the workforce in the geographic service area. Until the transfer to the MPN is made, the physician may make referrals to providers within or outside the MPN.

E. If the injured employee disputes the medical determination under this section, the injured employee shall request a report from the employee's primary treating physician that addresses whether the employee falls within any of the conditions set forth in subdivision (b)(1-4). The treating physician shall provide the report to the covered employee within twenty calendar days of the request. If the treating physician fails to issue the report, then the determination made by the employer or insurer referred to in (B) 1-4 shall apply.

F. If the injured covered employee's injury or illness does not meet the conditions set forth in paragraphs B 1-4, the injured worker may be transferred into the MPN for medical treatment, pursuant to 8CCR Sec 9767.9(a)

G. If the employer or insurer or injured employee objects to the medical determination by the treating physician, the dispute regarding the medical determination made by the treating physician concerning the transfer of care shall be resolved pursuant to Labor Code section 4062.

H.. If the treating physician agrees with the employer's or insurer's determination that the injured covered employee's medical condition does not meet the conditions set forth in B. 1-4 the transfer of care shall go forward during the dispute resolution process.

I. If the treating physician does not agree with the employer's or insurer's determination that the injured covered employee's medical condition does not meet the conditions set forth in B 1-4, the transfer of care shall not go forward until the dispute is resolved.