

Re: Applicant:
Employer:
Case No.:
Claim No:

**EMPLOYEE NOTIFICATION OF REFUSAL OF
TREATMENT IN AN MPN**

**VIOLATION OF LC 3550, 3551; FAILURE TO POST NOTICE
OF WORKERS' COMPENSATION AND INFORM WHO IS
RESPONSIBLE FOR CLAIMS**

Labor Code Section 3550(d): "the posted written notice shall include the following:"

Notice to employee: The steps below are mandatory by your employer under LC 3550, and 3551.

Please state below if your employer complied with the requirements:

**YOUR EMPLOYER MUST HAVE POSTED WRITTEN NOTICE OF THE
FOLLOWING:**

- | YES | NO (Check one) | | YES= done | NO=Not done |
|--------------------------|--------------------------|------------|--|-------------|
| <input type="checkbox"/> | <input type="checkbox"/> | LC 3550(1) | Posted notice of "How to get emergency medical care" and the name of insurance carrier. | |
| <input type="checkbox"/> | <input type="checkbox"/> | LC 3550(2) | "The kinds of events, injuries, and illnesses covered by workers' compensation." | |
| <input type="checkbox"/> | <input type="checkbox"/> | LC 3550(3) | "The injured employee's right to receive medical care." | |
| <input type="checkbox"/> | <input type="checkbox"/> | LC 3550(4) | "The rights of the employee to select and change the treating physician pursuant to the provisions of Section 4600." | |
| <input type="checkbox"/> | <input type="checkbox"/> | LC 3550(5) | "The rights of the employee to receive temporary disability indemnity, vocational rehabilitation services, and death benefits as appropriate." | |
| <input type="checkbox"/> | <input type="checkbox"/> | LC 3550(6) | "To whom injuries should be reported." | |

MPN Protocols

- I. **Predesignation** – has client pre-designated a PTP?
 - A. YES: notify adjuster predesignated physician will provide necessary treatment.
 - B. NO: provide client with predesignation form to cover future injuries.
- II. **Approved MPNs** – is MPN established by employer or carrier?
 - A. Use employer or insurer name to check at the DWC website at:
<http://www.dir.ca.gov/dwc/mpn/dwc%5Fmpn%5Fmain%2D07202005.html>
- III. **Client interview** – is there any written notice of MPN in documents your client has provided for your review?
 - A. Make certain that during initial phone contact potential client is instructed to bring in all documents, from the date of initial hire, received from the employer dealing with employee rights and obligations, and all documents dealing with the current injury.
- IV. **Opening Document**
 - A. If client no written documentation from employer, request proof of existence of MPN.
 - B. When appropriate, offer to use an agreed treator.
 - C. Request proof of compliance with statutory and regulatory requirements.
 1. Does employer have proper notice posted under L.C. § 3550(e)?
 2. Has employer provided written continuity of care policy and information regarding the process for an employee to request a review under the policy? (See L.C. § 4616.2(c).)
 3. Did the employer arrange an initial medical evaluation and begin treatment as required by Section 4600? (See L.C. § 4616.3(a).)
 4. Did the employer notify the employee of his or her right to be treated by a physician of choice after the first visit? (See L.C. § 4616.3(b).)
 5. Did the employer notify the employee of the method by which the list of participating providers may be accessed? (See L.C. § 4616.3(b).)
 6. Did the employer comply with all notice requirements in CCR § 9767.12?
 - a. Notify the employee in writing about the MPN 30 days prior to

- implementation, at time or hire, or when transferred into MPN?
- b. Repeat notification at time of injury?
 - c. Provide notice in English and Spanish?
 - d. Identify a contact person and provide a toll free number if out of area?
 - e. Describe how to receive or access a provider directory, and provide the URL address if the directory is available on a website?
 - f. Explain how to access initial care and subsequent care?
 - g. Describe the access standards under CCR § 9767.5 (note the 15 mile/30 minute requirement for 3 providers per specialty).
 - h. Explain how to access treatment outside of the MPN service area?
 - i. Describe how to choose a physician or change a physician within the MPN, and how to obtain a referral to a specialist?
 - j. Describe what to do if the employee has trouble getting an appointment with an MPN provider?
 - k. Explain how to get a second and third opinion within the MPN, and how to receive an independent medical review?
 - l. Describe the standards for transferring on-going care into the MPN, and explain the continuity of care policy?

V. **If Response Received From Employer/Insurer**

- A. If list of providers is available, is there a physician in MPN that you are willing to use?
- B. If the MPN fails to respond, or if response is not complete, notify employer that client will self-procure treatment and file for expedited hearing or MSC.

- LC 3550(7) “The existence of the time limits for the employer to be notified of benefits, as appropriate.”
- LC 3550(8) “The protection against discrimination provided pursuant to Section 132a”.
- LC 3550(9) “The location and telephone number of the nearest Information and Assistance Officer.”
- Reg. 9767.6 Notice to employee within one working day of notification to employer of work injury of an initial medical evaluation with a Medical Provider Network physician.
- Reg. 9767.12 **WRITTEN** employee notification. An employer that offers a Medical Provider Network plan **SHALL** notify each covered Employee **IN WRITING** about the terms of the Medical Provider Network **PRIOR** to the implementation of an Approved MPN at the time of hire, or when an existing Employee transfers into the MPN, **AND AT THE TIME OF ANY WORK INJURY.**

LC 3550(3): “Failure of an employer to provide the notice required by this section **SHALL** (means mandatory under the law-emphasis added). Automatically permit the employee to be treated by his or her personal physician with respect to an injury occurring during that failure”.

LC 3551: “Every employer subject to the compensation provisions of this code, except employers of employees defined in subdivision (d) of Section 3551, shall give every new employee, either at the time of the employee is hired or by the end of the first pay period, written notice of the information contained in LC Section 3550”.

Was LC Section 3551 above complied with by your employer? Did you receive this information in writing described by the law above. ___Yes ___No.

As such, I wish to employ my rights under LC 3550 and be treated by a doctor of my choice; **NOT** any physicians assigned by me by or a part of the employer’s Medical Provider Network (MPN).

Date: _____

Applicant