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Pertinent Recent Case Law

NURSE CASE MANAGER:

Huong Le v Redwood Town Court (January 31, 2021) ADJ2112125 (Opinion and Order after Reconsideration)

Nurse Case Manager is treatment. Medical reporting must support need for it before it can be ordered.

MPN:

Roberta Aguilar v Alhambra Hospital (September 17, 2021) ADJ12729922 (Opinion and Order Denying Petition for Reconsideration)

If denied case later accepted, defendant must follow procedures to require applicant to treat within the MPN.

Reyna Contreras v Norcal Harvesting, LLC (June 29, 2021) ADJ10146583 (Opinion and Decision after Reconsideration)

Failure to respond to request for MAA will allow treatment outside of the MPN

Shohreh Kazrani v Los Angeles Unified School District (May 13, 2021) ADJ12439078, ADJ12439079, ADJ12439081 (Opinion and Decision after Reconsideration)

MPN Regulations require three PTPs within the geographic location. They do not require three in each medical specialty. [This MPN did not have chiropractic PTPs].

Justino Montiel v Socal Framings, Inc. (December 3, 2020) ADJ13096148 (Opinion and Order Denying Petition for Reconsideration)

If a facility is in the MPN, a doctor within the facility can be designated PTP, regardless of whether separately listed.

Vidal Murillo v Western National Group (June 29, 2021) ADJ12031213 (Opinion and Decision after Reconsideration)

MPN Regulations require three PTPs within the geographic location. They do not require three in each medical specialty. [This MPN did not have pain management PTPs].

Jose Quintana v BMC (September 17, 2021) ADJ12495318 (Opinion and Decision after Reconsideration)

Before allowing applicant to treat outside of MPN, applicant or his attorney must contact the Medical Access Assistant for help.

TREATMENT:

Christi Fuller (Mc Cully) v Leslie's Pool Mart, Inc. (December 17, 2020) ADJ8721945 (Opinion and Order Denying Petition for Reconsideration)

Treatment outside of the US can be ordered, and if none available, travel expenses must be paid for reasonable and necessary treatment.

Sylvia Zucchi Paz v State of California, Tinco Sheet Metal (December 17, 2020) ADJ4622929 (Opinion and Order Denying Petition for Reconsideration)

If defendant agrees to provide home health care for indeterminate period of time, *Patterson v The Oaks* will apply. Dissent felt that an subsequent settlement ended the indeterminate agreement, so no need to demonstrate a changed condition before terminating additional services.

UTILIZATION REVIEW:

Robert Acevedo v Old Dominion Freight Line, Inc. (September 14, 2021) ADJ12595156 (Opinion and Decision after Reconsideration)

Before determination of whether treatment can be ordered after UR denial, Board must first determine whether it has jurisdiction to hear the issue (sole basis is where denial untimely)

Kathleen Baker v County of Sacramento (June 29, 2021) ADJ8969933 (Opinion and Decision after Reconsideration)

WCJ cannot overturn IMR uphold without first determining whether Board has Jurisdiction. Also, WCJ can only determine issues submitted by the parties.

Sandra Ceja v Taylor Farms Pacific (March 16, 2021) ADJ11862779 (Opinion and Decision after Reconsideration)

If UR Determination not served on all necessary parties it is untimely, giving Board jurisdiction to decide on the treatment. Applicant must still show the treatment is reasonable and necessary based on substantial medical evidence before it can be awarded.

Michael Fishel v Rick's Lube and Complete Auto (March 16, 2021) ADJ11053430 (Opinion and Order Granting Petition for Reconsideration and Decision after Reconsideration)

Parties can waive UR/IMR procedure by agreement.

Robert Shelven v Ralph's Grocery Company (October 29, 2020) ADJ11017618 (Opinion and Order Denying Petition for Reconsideration)

Analysis of a treatment denial effectiveness for one year. Issue regarding subsequent requests are whether it is for same treatment (request does not need to be identical, just same part of body and underlying reason for denial), and if so, whether there has been a demonstrated change in condition.

Sarah Villegas v California Elwyn Institute (August 23, 2021) ADJ352576 (Opinion and Order Denying Petition for Reconsideration)

If parties had been using AMEs to determine reasonableness and necessity of treatment, and AME dies and other AME cannot determine as outside of his expertise, parties must use UR/IMR system to determine the issue.

Jane Vovino-Young v Amador Residential Care (December 18, 2020) ADJ12508080 (Opinion and Order Denying Petition for Reconsideration)

UR notification rules are dependent on method by which doctor is initially notified. If by phone, written denial or modification must be sent out within two business for prospective review (within 24 hours for concurrent review); those time limits do not apply if doctor first notified by fax. There is further language that the CCP section involving Proof of Service issues not applicable to Workers' Compensation cases.