

COMPENSATION NEWS

MONTHLY REPORT

THE WORKERS' COMPENSATION APPEALS BOARD ISSUED AN EN BANC ON ADMISSIBILITY OF NON MPN REPORTS

This is an opinion and decision after reconsideration of the WCAB

This is a very significant case for workers' compensation principles in that it discusses the current case law.

The applicant sustained an admitted injury to his back, right hip, and neck. The applicant was sent for medical treatment by the employer to the employer's Medical Provider Network (MPN) physician.

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The applicant changed treating doctors at the request of his attorney. The new physician was not in the employer's MPN.

The matter proceeded to trial on the issue of temporary disability and the employer raised the issue of the MPN. The Workers' Compensation Judge (WCJ) found the applicant temporarily disabled on the report of the non MPN doctor. The defendant alleged the non MPN reports were inadmissible.

The defendant filed a petition for reconsideration. The WCAB reviewed the applicable statutes including Labor Code section 4616.

The WCAB also reviewed current case law and concluded that admission of reports from non-MPN doctors where treatment was improperly obtained outside the MPN will not be admitted and cannot be relied on.

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