

COMPENSATION NEWS

MONTHLY REPORT

THE WORKERS' COMPENSATION APPEALS BOARD ISSUED AN EN BANC DECISION ON THE USE OF NON-MPN PHYSICIANS

This is an En Banc decision of the Workers' Compensation Appeals Board (WCAB)

This is a very significant case for workers' compensation principles.

The applicant sustained injury to his low back and right hip. The applicant began treatment for the injury through the employer's medical provider network (MPN). For no apparent reason and without following the procedures of the MPN the applicant switched treating

physicians to a non-MPN physician.

At a hearing on issues of temporary disability and attorney's fees the workers' compensation judge (WCJ) deferred any issues involving the MPN. The WCJ rejected the defendant's arguments that the non-MPN physicians were inadmissible.

Defendant filed a petition for reconsideration, which resulted in this EN BANC decision. The WCAB decided that non-MPN treatment reports are inadmissible where unauthorized treatment has been obtained outside a validly established and properly noticed MPN

because the non-MPN physician is not the primary treating doctor. Therefore, these reports were not admitted into evidence.

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