

**WORKERS' COMPENSATION APPEALS BOARD  
STATE OF CALIFORNIA**

**PAULA VEGA MARTIN, *Applicant***

**vs.**

**AMERICAN JEANS MANUFACTURER, INC.; PREFERRED PROFESSIONAL  
INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ15800847  
Anaheim District Office**

**OPINION AND ORDER  
DENYING PETITION FOR RECONSIDERATION**

Lien claimant Spectrum Medical Group seeks reconsideration of a workers' compensation administrative law judge's (WCJ) Findings, Award and Orders of January 16, 2024, wherein it was found that "Spectrum Medical Group is entitled to \$940.44. for the 3/25/22 date of service plus a 25% penalty and interest; the remaining dates of service are disallowed." In this matter, in a Compromise and Release approved on June 2, 2022, applicant settled her claims that while employed as a laborer on January 5, 2022 she sustained industrial injury to her back and shoulder. In the Compromise and Release, defendant agreed to pay, adjust or litigate all outstanding lien claims, such as the instant lien claim for medical treatment provided between March 25, 2022 and April 26, 2022.

Lien claimant contends that the WCJ erred in disallowing the balance of the lien. We have not received an answer and the WCJ has filed a Report and Recommendation on Petition for Reconsideration (Report).

For the reasons stated in the portion of the Report quoted below, we will deny the lien claimant's Petition. Before providing reimbursement for medical treatment, "The insurer may require prior authorization of any nonemergency treatment or diagnostic service and may conduct reasonably necessary utilization review pursuant to Section 4610." (Lab. Code, § 4600, subd. (d)(5).) While defendant did generally acknowledge lien claimant as the provider authorized to provide medical treatment to the injured worker, the specific treatment for which lien claimant now seeks reimbursement was never authorized pursuant to Labor Code section 4610 et seq. (Nor

is there evidence that lien claimant properly sought authorization that was not timely responded to by the insurer.) Accordingly, because authorization was never provided for the course of physical therapy for which lien claimant now seeks reimbursement, we will deny the Petition for Reconsideration. Since reconsideration is denied on this basis, we need not evaluate the WCJ's other bases for disallowing the balance of the lien.

The portion of the WCJ's Report which we quote and incorporate is as follows:

Applicant selected Dr. Amin Nia to be her primary treating physician on 3/24/22. **Lien Claimant's Exhibit 2.** On 3/25/22, defendant provided authorization to Dr. Nia to treat Applicant for the lumbar spine and shoulders. **Lien claimant's Exhibit 5.** Dr. Nia issued an initial report on 3/25/22. **Lien claimant's Exhibit 9.** This is the only report lien claimant submitted from Dr. Nia as evidence. In reviewing the medical bills submitted by lien claimant, Dr. Nia only performed the initial evaluation. All other dates of service were performed by Dr. Krause. **Lien claimant's Exhibit 5.** Defendant did not provide authorization for any services performed by Dr. Krause. Dr. Nia did issue a Request for Authorization of treatment for Dr. Krause dated 4/16/22 to which defendant's issued a timely deferral notice. **Lien claimant's Exhibit 7 and defendant's Exhibit D,** respectively.

Lien claimant cites *Labor Code* §4610.3(a) but lien claimant fails to discuss *Labor Code* §4610(a) that requests for treatment must go through utilization review. [...]

**As to lien claimant's assertion that the remaining treatment services should be paid, the court offers the following:**

As stated above, Dr. Nia had authorization to treat the Applicant. All other requests were required to go through utilization review which Dr. Nia obviously knew about since the doctor issued a Request for Authorization on 4/16/22. **Lien claimant's Exhibit 7.** This begs the question of why Dr. Nia didn't issue a Request for Authorization before Dr. Krause began physical therapy services.

(Report at p. 3)

For the foregoing reasons,

**IT IS ORDERED** that Lien Claimant Spectrum Medical Group's Petition for Reconsideration of the Findings, Award and Orders of January 16, 2024 is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

/s/ KATHERINE A. ZALEWSKI, CHAIR

**I CONCUR,**

/s/ KATHERINE WILLIAMS DODD, COMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**April 8, 2024**

**SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.**

**PAULA VEGA MARIN  
STATEWIDE LAW  
AM LIEN SOLUTIONS  
SPECTRUM MEDICAL GROUP, INC.**

**DW/oo**

*I certify that I affixed the official seal of the Workers' Compensation Appeals Board to this original decision on this date. o.o*