

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

**SHELDON WILLIAMS, *Applicant***

**vs.**

**CITY OF LOS ANGELES;  
Permissibly Self-Insured, administered by  
INTERCARE INSURANCE, *Defendants***

**Adjudication Number: ADJ10261234**

**Van Nuys District Office**

**OPINION AND ORDER  
CORRECTING CLERICAL ERROR**

It has come to the Appeals Board's attention that its decision issued on April 17, 2023, contains a clerical error in that we identified Case No. ADJ9682348 instead of Case No. ADJ10261234 in the caption. We will correct this clerical error by virtue of this order, without granting reconsideration as such errors may be corrected without further proceedings at any time. (*Toccalino v. Worker's Comp. Appeals Bd.* (1982) 128 Cal.App.3d 543, 558 [47 Cal.Comp.Cases 145]; see also 2 Cal. Workers' Comp. Practice (Cont. Ed. Bar, March 2018 Update) Supplemental Proceedings, § 23.74, p. 23-76.)

Accordingly, we now issue this Order correcting this clerical error and substituting the correct case numbers in the caption as listed herein.

For the forgoing reasons,

**IT IS ORDERED** that the clerical error of omission of Case No. ADJ10261234 in the caption in the Opinion and Order Denying Reconsideration issued on April 17, 2023, is **CORRECTED** to remove case No. ADJ9682348 and substitute Case No. ADJ10261234 in the caption.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**/s/ JOSÉ H. RAZO, COMMISSIONER**



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

**April 25, 2023**

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

**PROVIDENCE HOLY CROSS MEDICAL CENTER, LIEN CLAIMANT ALEX KHAZIN HEARING REPRESENTATIVE/ALAN D. WILNER, ESQ./GRANT&WEBER AM LIEN SOLUTIONS, LLC**

**MWH/mc**

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

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

**SHELDON WILLIAMS, *Applicant***

**vs.**

**CITY OF LOS ANGELES;  
Permissibly Self-Insured, administered by  
INTERCARE INSURANCE, *Defendants***

**Adjudication Number: ADJ9682348  
Van Nuys District Office**

**OPINION AND ORDER  
DENYING PETITION FOR  
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, and for the reasons stated in the WCJ's report, which we adopt and incorporate, we will deny reconsideration.

The plain language of section 5304 permits the Appeals Board to exercise jurisdiction over medical treatment disputes unless there is an "express agreement fixing the amount to be paid" for medical treatment between the medical provider and the insurer.

In this case, lien claimant argues that it should be paid pursuant to a managed care contract and that the WCJ has jurisdiction to determine the dispute. The WCJ determined that, because this is a dispute over payment pursuant to a contract, the WCAB lacks jurisdiction. Disputes over the amount to be paid, whether under the official medical fee schedule or a permissible contract, are subject to independent bill review. Given that the issue of WCAB jurisdiction has been resolved, the parties may proceed with independent bill review.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Reconsideration is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**/s/ JOSÉ H. RAZO, COMMISSIONER**



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

**April 17, 2023**

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

**PROVIDENCE HOLY CROSS MEDICAL CENTER, LIEN CLAIMANT  
ALEX KHAZIN HEARING REPRESENTATIVE/ALAN D. WILNER, ESQ./GRANT&WEBER  
AM LIEN SOLUTIONS, LLC**

**MWH/mc**

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

**REPORT AND RECOMMENDATION**  
**ON PETITION FOR RECONSIDERATION**

**I.**

**INTRODUCTION**

This matter proceeded to a lien trial before the undersigned on January 17, 2023. The undersigned limited the issue at trial to be solely the threshold issue as requested by defendant. The threshold issue was whether the WCAB has jurisdiction over the lien of Providence Holy Cross Hospital AKA PHC in light of the contract between Anthem Blue Cross, Providence Holy Cross, and other payers/ City of Los Angeles.

The undersigned issued Findings and Order dated January 26, 2023, finding that there was an express agreement fixing the amounts to be paid for medical, surgical and or hospital treatment regarding the services provided by Providence Holy Cross hospital AKA PHC in this matter. In addition, it was found that the WCAB does not have jurisdiction over the lien from Providence Holy Cross Hospital AKA PHC, as per Labor Code §5304.

Lien claimant Providence Holy Cross Hospital AKA PHC filed a timely verified Petition for Reconsideration dated February 17, 2023. Therein, the Petitioner asserts that the order, decision, or award made by the WCAB exceeded its powers, that the decision by the appeals board is not justified by the facts in the case, and that the Findings of Fact do not support the Order of the Opinion on Decision dated January 26, 2023.

The Defendant had not filed a response thereto at the time of the preparation of this Report.

## II.

### DISCUSSION

Labor Code §5304 states as follows:

The appeals board has jurisdiction over any controversy relating to or arising out of Sections 4600 to 4605 inclusive, unless an express agreement fixing the amounts to be paid for medical, surgical or hospital treatment as such treatment is described in those sections has been made between the persons or institutions rendering such treatment and the employer or insurer.

It appears that the Petitioner does not dispute the undersigned's Finding and Order that there was an express agreement fixing the amounts to be paid for medical, surgical and or hospital treatment regarding the services provided by Providence Holy Cross hospital AKA PHC in this matter. The agreement was admitted into evidence as Defendant's Exhibit A.

Based upon the foregoing, in the opinion of the undersigned, the WCAB lacks jurisdiction over the lien from Providence Holy Cross Hospital AKA PHC this matter, as per Labor Code §5304. The Petitioner did not sustain its burden of proof to establish otherwise.

## III.

### RECOMMENDATION

Therefore, it is respectfully recommended that the Petition for Reconsideration be denied.

DATE: February 27, 2023

**Robin A. Brown**  
WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE

Served by mail on all parties listed on the  
Official Address Record on 02/28/2023.  
BY: L. Mejia