

COMMISSION ON HEALTH, SAFETY AND WORKERS' COMPENSATION

LIENS REPORT: JANUARY 5, 2011

SUMMARY OF RECOMMENDATIONS

Recommendation 1: Consider reinstating a filing fee for medical and medical-legal liens

Recommendation 2: Require frequent lien filers to file their liens electronically

Recommendation 3: Prohibit filing of amended liens prior to Declaration of Readiness

Recommendation 4: Until the volume of liens is substantially reduced by other measures such as recommended in this report, equip the WCAB District Office with sufficient resources to meet workloads

Recommendation 5: Adopt medical fee schedules to cover those services that are often disputed due to gaps or ambiguities in the existing fee schedules

Recommendation 6: Establish an administrative system for fee schedule determinations, subject to limited judicial review

Recommendation 7: The boundaries of MPN control over medical treatment should be more clearly defined to minimize the potential for disputes over rights to select medical providers

Recommendation 8: Disputes over assertions of MPN control over medical treatment should be brought to adjudication promptly

Recommendation 9: Sanctions should be imposed on providers and claims administrators alike for repeated patterns of incorrectly asserting or denying the status of an authorized medical provider

Recommendation 10: [Withdrawn]

Recommendation 11: Labor Code section 4903.6 should be amended to forbid filing a medical or medical-legal lien until the bill is genuinely in dispute

Recommendation 12: Labor Code section 4903.6 and Rule 10770.5 should be amended to provide consequences for violation that can be effective deterrents to premature filings

Recommendation 13: Enact a statute of limitations, effective prospectively based on date of services to bar any lien unless the service is billed in accordance with regulations and the lien is filed within a defined time following that service

Recommendation 14: Enact a statute of limitations to bar any lien for service, regardless of date of service, which is not filed within three years of the date of medical service

Recommendation 15: Eliminate implied liens for medical treatment or medical-legal expenses

Recommendation 16: Impose automatic dismissal by operation of law for any lien which is not activated

for hearing within finite time

Recommendation 17: Allow additional time for medical insurers to file liens for reimbursement of sums paid for covered treatment

Recommendation 18: A lien claimant should be required to disclose its relationship to the original provider of goods or services and produce documentation on demand

Recommendation 19: A lien representative should be required to provide documentation of the representative's authority upon demand

Recommendation 20: [Withdrawn]

Recommendation 21: Payments in satisfaction or settlement of liens should be made only to the original provider of goods or services unless a bona fide assignment is documented

Recommendation 22: The Administrative Director should adopt a fee schedule and ground rules for payment of copy services

Recommendation 23: The Form 6, "Notice and Request for Allowance of Lien," should be revised to identify liens for document copying services as well as the grounds for claiming the lien

Recommendation 24: Either regulation or statute should be adopted to clearly prescribe the events for which interpreter services are payable

Recommendation 25: Either the interpreters' fee schedule should provide for apportioned billing when an interpreter serves multiple cases concurrently, or the WCAB should contract for interpreters to attend hearings and proportionately bill the defendants in each in which they participate

Recommendation 26: The Administrative Director should amend the fee schedule for interpreter services to promote uniformity and to make the fees generally commensurate with the fair market value of the services

Recommendation 27: One or more independent organizations should be identified whose accreditation can serve as an alternative to SPB certification for medical examination and administrative hearing interpreters

Recommendation 28: The subjects of liens should be monitored, and the subjects that arise most frequently should be considered as candidates for improved guidance by the medical treatment utilization schedule and/or applicable fee schedules

Recommendation 29: Liens by frequent filers that state incorrect lien type or make other material misrepresentations should be subject to substantial penalties, ranging from mandatory sanctions to dismissal with prejudice for repeat violations

Recommendation 30: Lien claimants should be required to use EAMS Uniform Assigned Names (UANs), and until UANs are assigned, lien claimants should be required to use correct legal names