

- Policy & Procedure
- Take Note
- Milestones

State of California

DWCNewsline

Division of Workers' Compensation
Carrie Nevans, Acting Administrative Director

1515 Clay Street, 17th floor, Oakland, CA 94612 (510) 286--7100

Internet Web Page: <http://www.dir.ca.gov>

Bulletin No. 39-06

July 20, 2006

Division of Workers' Compensation cautions community about coercing medical evaluators

In light of a recent email written by a member of the California Applicant's Attorneys Association (CAAA) board of governors, which was sent to doctors who evaluate injured workers, the Division of Workers' Compensation (DWC) is advising all members of the community that it is neither ethical nor proper to attempt to coerce medical providers.

"We want as unbiased a group of medical evaluators as possible," said DWC Executive Medical Director Dr. Anne Searcy. "Physicians need to be free to perform exams and report on cases without being pressured to produce a specific result or support a specific political agenda."

It is improper for a physician, attorney or others to offer, deliver, receive or accept compensation or inducement for a referred evaluation or consultation. Physicians should not be required to express a political preference or make a political contribution, or suffer any other form of coercion, in order to receive patient referrals.

Labor Code section 139.3(c)(2) provides that it is unlawful for "a physician to ...accept any preference or other consideration as inducement for a referred evaluation..."

Labor Code section 4906(g) requires the attorney for each party to sign a statement under penalty of perjury that it has not offered any preference as inducement for any referred examination.

Labor Code section 3215 states that any person who offers, receives or accepts any preference as inducement for referring clients or patients to perform or obtain services is guilty of a crime.

###