

N E W S L I N E

Newsline No. 59-13

August 23, 2013

[Twitter @CA_DIR](#)

[Facebook](#)

DWC Issues Notice of Public Hearing for Predesignation of Personal Physicians and Reporting Duties of the Primary Treating Physician Rulemaking

The Division of Workers' Compensation (DWC) is issuing a notice of public hearing for the Predesignation of Personal Physicians and Reporting Duties of the Primary Treating Physician Rulemaking regulations. The public hearing on the proposed regulations has been scheduled for 10 a.m., October 7, in the auditorium of the San Francisco State Office Building at 455 Golden Gate Ave., San Francisco, CA 94102-3688. Members of the public may also submit written comment on the regulations until 5 p.m. that day.

The regulations implement provisions of Senate Bill (SB) 863 that limit the number of chiropractic visits an injured worker may have unless a specific exception applies. The regulations also revise the method for an employee to designate a personal physician. The changes include:

- The optional form for an employee to use to predesignate a personal physician to provide them with medical treatment in case of a work related injury or illness is being revised to state that an employee may predesignate a personal physician if, in addition to the other required preconditions, the employee has health care coverage for nonoccupational injuries or illnesses on the date of injury.
- The form is also being amended to provide space for the employer to provide the name of the insurer that covers them for nonoccupational injuries or illness.
- The optional form for an employee to use to predesignate a personal chiropractor or personal acupuncturist form is being amended to advise the employee that for dates of injury on or after January 1, 2004, a chiropractor cannot be a treating physician after the employee has received 24 chiropractic visits unless the employer has authorized additional visits in writing. The form will also advise the injured worker that:

- the term “chiropractic visit” means any chiropractic office visit, regardless of whether the services performed involve chiropractic manipulation or are limited to evaluation and management.
- once the employee has received 24 chiropractic visits, if the employee still requires medical treatment, the employee will have to select a new physician who cannot be a chiropractor. This prohibition shall not apply to the provision of postsurgical physical medicine prescribed by the surgeon or physician designated by the surgeon pursuant to the postsurgical component of the Division of Workers’ Compensation’s Medical Treatment Utilization Schedule.
- The regulations concerning the reporting duties of primary and secondary treating physicians are being revised to state that:
 - for dates of injury on or after January 1, 2004, a chiropractor shall not be a treating physician after the employee has received the maximum number of chiropractic visits allowed by subdivision (c)(1) of Section 4604.5 (24) unless the employer has authorized additional visits in writing;
 - this prohibition shall not apply to the provision of postsurgical physical medicine prescribed by the surgeon or physician designated by the surgeon pursuant to the postsurgical component of the medical treatment utilization schedule; and,
 - for purposes of each subdivision, the term “chiropractic visit” means any chiropractic office visit, regardless of whether the services performed involve chiropractic manipulation or are limited to evaluation and management.

The notice, text of the regulations, and forms can be found on the proposed regulations [page](#).

###