

AMENDED IN ASSEMBLY APRIL 15, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1808

Introduced by Assembly Member Richman

January 16, 2002

An act to add Sections 139.7, 139.71, and 139.72 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1808, as amended, Richman. Workers' compensation: physicians.

Existing workers' compensation law provides for the treatment of injured workers by physicians. Existing law also requires the Industrial Medical Council, among other things, to counsel and assist the Administrative Director of the Division of Workers' Compensation and suggest standards for improving care furnished to injured employees.

This bill would require every physician who treats and evaluates injured workers, on and after January 1, 2005, to be certified by the Industrial Medical Council as a Qualified Workers' Compensation Physician (QWCP), ~~and~~. *The bill would authorize the council to waive this requirement under certain circumstances. The bill would require the council, on or before January 1, 2004, to establish a QWCP certification program containing specified criteria.*

The bill would also require the administrative director, on or before January 1, 2004, to contract, to the extent permitted by state law, with a public or private university or policy institute in the state to develop physician utilization management, quality of care, and outcome

measurement data, and to publish a report, on or before July 1, 2005, and annually thereafter, that includes this data.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 139.7 is added to the Labor Code, to
2 read:

3 139.7. (a) On and after January 1, 2005, every physician who
4 treats and evaluates injured workers shall be certified by the
5 Industrial Medical Council as a Qualified Workers' Compensation
6 Physician (QWCP), *unless this requirement has been waived*
7 *pursuant to subdivision (f).*

8 (b) The Industrial Medical Council shall certify a physician as
9 a QWCP upon completion of the course specified in Section
10 139.71, passage of an examination written and administered by the
11 council, and the completion of 10 ratable reports.

12 (c) Certification shall be valid for two years. The Industrial
13 Medical Council shall recertify a QWCP upon completion of a
14 recertification course, as specified by the council.

15 (d) (1) On and after January 1, 2005, only a QWCP shall be
16 eligible for reimbursement under Division 4 (commencing with
17 Section 3200).

18 (2) Notwithstanding paragraph (1), a physician who is not a
19 QWCP may be reimbursed for a first visit and for providing urgent
20 care, as specified in regulations adopted by the administrative
21 director in consultation with the Industrial Medical Council.

22 (e) A physician who provides medical treatment ~~and~~ *to an*
23 *injured worker, but who* does not participate in the evaluation of the
24 injured worker for the purpose of determining workers'
25 compensation benefits, *or participate in making determinations*
26 *for purposes of workers' compensation, such as with regard to*
27 *temporary or disability benefit ratings,* is exempt from the
28 requirements of this section.

29 (f) *The Industrial Medical Council may grant a waiver from the*
30 *certification requirements of this section to a physician who is in*
31 *an area in which the council has determined there is a shortage of*
32 *physicians certified under this section who are available to treat*
33 *and evaluate injured workers.*



1 SEC. 2. Section 139.71 is added to the Labor Code, to read:
2 139.71. (a) On or before January 1, 2004, the Industrial
3 Medical Council shall establish a Qualified Workers'
4 Compensation Physician (QWCP) certification program. The
5 program shall consist of certification and recertification courses,
6 as well as a certification examination.

7 (b) The certification and recertification courses shall
8 demonstrate competence in the diagnosis and treatment of
9 occupational injuries, the use of treatment guidelines,
10 determination of the nature and duration of temporary disability
11 benefits, determination of work restrictions and assessment of a
12 worker's ability to return to work, determination of when a
13 worker's condition is permanent and stationary, evaluation of
14 permanent disability, and accurate and complete report writing.
15 The curriculum shall be determined by the council and shall be
16 consistent with the scope of practice of physicians within the
17 workers' compensation system including, but not limited to,
18 Section 3209.3.

19 (c) The council shall approve those individuals and entities that
20 are authorized to provide courses for certification and
21 recertification.

22 SEC. 3. Section 139.72 is added to the Labor Code, to read:
23 139.72. (a) On or before January 1, 2004, the administrative
24 director shall contract, to the extent permitted by state law, with a
25 public or private university or policy institute in the state to
26 develop physician utilization management, quality of care, and
27 outcome measurement data.

28 (b) On or before July 1, 2005, and annually thereafter, the
29 administrative director shall publish a report that includes the data
30 specified in subdivision (a). It is the intent of the Legislature that
31 this ongoing process be designed and implemented to encourage
32 best medical practices and to discourage unnecessary variance in
33 treatment patterns.

34 (c) The administrative director shall ensure the confidentiality
35 and protection of patient-specific data.

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