



# PREDESIGNATION OF A TREATING DOCTOR

**By Scott O'Mara**

The California Worker's Compensation System acknowledges the unique role of a personal physician and states that if proper written notice is given to the employer by the employee before a job-related injury occurs, the employee has the right to treat with his or her personal physician from the date of the injury. The notice shall include the physician's name and business address.

There are some requirements regarding the personal physician. One is that the personal physician must be a regular physician/surgeon licensed pursuant to the statute. Under Workers' Compensation law, the term "physician" refers to a doctor holding either an M.D. or D.O. degree. Further, the statute states the personal physician is one whose practice is limited to practicing medicine in a general area, or a Board-certified or Board-eligible internist, pediatrician, obstetrician, gynecologist or family practitioner. "Personal physician" can also mean a medical group, if the medical group is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, and which operates an integrated multispecialty medical group providing comprehensive medical services predominantly for non-occupational illnesses and injuries.

The physician also must have previously provided or directed care for the injured worker and must have retained the injured worker's medical records, including his or her medical history. A worker may have no more than one primary personal treating physician at a time.

The DWC form has a section for the signature of the predesignated doctor to acknowledge his/her agreement to provide care to the employee as the predesignated personal physician, or other documentation stating that the

physician has agreed to be the predesignated treating physician prior to the worker's injury.

The employer/self-insured may require that they give prior authorization for treatment for any non-emergency medical needs or diagnostic studies, and the treatment recommendations may be subject to review through the utilization review (UR) process or the Independent Medical Review (IMR) process. The employee who has predesignated a treating physician is entitled to all medically-appropriate referrals by his or her predesignated personal physician to other physicians or medical providers within the non-occupational health plan, and is also entitled to medical treatment by physicians or other medical providers outside of the non-occupational health plan. "Where an employee has made a valid predesignation pursuant to this section, and where the employer or employer's insurer has a Medical Provider Network, any referral to another physician for other treatment need not be within the Medical Provider Network." (C.C.R., Title 8, §9780.1(3)(d).)



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*NOTICE: Making a false or fraudulent Workers' Compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.*

