



LAW1199.COM NEWSLETTER™

2013 ★ ISSUE #1

safetyofficerattorneys.com ★ www.law1199.com ★ SCOTT A. O'MARA, THOMAS I. HAMPTON
BETH A. WILLIAMS, DANIEL J. PALASCIANO & JOSEPH P. HEATHMAN

PREDESIGNATION OF A TREATING DOCTOR

BY: SCOTT A. 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.

