

WELLCOMP MEDICAL PROVIDER NETWORK CONTINUITY OF CARE POLICY

With the goal of ensuring appropriate, quality medical care, administered in a timely fashion, in compliance with California Labor Code Section 4616.2 and as well the Title 8 California Code of Regulations (CCR) Section 9767.10; the WellComp Medical Provider Network offers the covered employee Continuity of Care benefits as described below.

Continuity of Care Defined:

(Title 8, CCR, Section 9767.10)

At the request of a covered employee, an employer that offers a medical provider network shall be allowed to complete the treatment by a terminated provider under specific circumstances as set forth in Labor Code Section 4616.2(d) and (e). Those conditions are defined as:

(1) **Acute condition.** An acute condition is a medical condition that involves a sudden onset of symptoms due to an illness, injury, or other medical problem that requires prompt medical attention and has a limited duration of less than 90 days. Completion of treatment shall be provided for the duration of the acute condition.

(2) **Serious chronic condition.** A serious chronic condition is a medical condition due to a disease, illness, or medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over 90 days or requires ongoing treatment to maintain remission or prevent deterioration. Completion of treatment shall be provided for a period of time necessary to complete a course of treatment and to arrange for a safe transfer to another provider, as determined by the insurer or employer in consultation with the injured employee and the terminated provider and consistent with good professional practice. Completion of this treatment under this paragraph shall not exceed 12 months from the contract termination date.

(3) **Terminal illness.** A terminal illness is an incurable or irreversible condition that has a high probability of causing death within one year or less. Completion of treatment shall be provided for the duration of a terminal illness.

(4) **Surgery.** Performance of a surgery or other procedure that is authorized by the insurer or employer as part of a documented course of treatment and has been recommended and documented by the provider to occur within 180 days from the contract's termination date.

If the injured covered employee's injury or illness does not meet the conditions set forth above, the injured covered employee may be transferred into the network for medical treatment. If WellComp is going to transfer care and the injured employee disagrees, the injured employee may ask the treating doctor for a report that addresses whether the employee is in one of the categories listed above. The treating physician shall provide a report to the injured employee within twenty calendar days of the request. If the treating physician fails to issue the report, then the injured employee will be required to select a new provider from within the MPN.

Should the injured employee or the employer dispute the medical determination of continuity of care made by the treating physician, the dispute shall be resolved pursuant to Labor Code section 4062.

If the treating physician agrees with the employer's determination that the injured covered employee's medical condition does not meet the conditions set forth above, the employee shall choose a new provider from within the network during the dispute resolution process.

Notice of determination, from the employer or SCRMA, will be conveyed to the covered employee and the employee's primary treating physician in both English and Spanish and written in lay persons terms to the maximum extent possible advising of authorization to continue treatment with terminated provider or, alternatively notice that a new provider within the WellComp Medical Provider Network is to be chosen along with specific reason for this determination.

If the treating physician does not agree with the employer's determination that the injured covered employee's medical condition does not meet the conditions set forth above, the injured covered employee shall continue to treat with the terminated provider until the dispute is resolved.

Changes in Network Provider

(Cal. L.C. Section 4616.2 (d) and (e))

The employer, the WellComp MPN, or the claims administrator may require a terminated provider whose services are continued beyond the contract termination date, pursuant to California Labor Code Section 4616.2 (d)(4)(A) and 4616.2(e), to agree in writing to be subject to the same contractual terms and conditions that were imposed upon the provider prior to termination. If the terminated provider does not agree to comply or does not comply with these contractual terms and conditions, the employer, the WellComp MPN, or the claims administrator is not required to continue the provider's services beyond the contract termination date.

Pursuant to 4616.2(d), the employer, the WellComp MPN, or the claims administrator shall not be required to provide for completion of treatment by a provider whose contract has been terminated or not renewed for reasons relating to a medical disciplinary cause or reason, as defined in paragraph (6) of subdivision (a) of Section 805 of the Business and Profession Code, or fraud or other criminal activity.

Should such a provider contract termination occur, in which the provider is not willing to continue to complete treatment services consistent with the above description, or cannot complete treatment as described above, the employer, the WellComp MPN, or the claims administrator will assist in your referral to another provider comparable in specialty to that of your present care within the network. If the same provider continues treatment after termination of his or her contract, such services shall be rendered under the same terms and conditions as the provider contract effective before its termination.

As with other aspects of continuity of care, the transfer of medical records from one provider to another is done in a timely manner and in accordance with confidentiality regulations policies and procedures.