

# CLIENT BULLETIN

## NEW REGULATIONS EFFECTIVE 10/8/10 MPN NOTIFICATION REQUIREMENTS AND NEW EMPLOYER POSTING

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Date: September 29, 2010

Volume 09/12

Number: 07

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This is inform that there are new DWC Regulations which have revised the written information employers are required to provide its employees with respect to their Medical Provider Networks (MPNs) and access to same in case of a work-related injury.

*These new regulations would therefore apply only to dates of injury occurring on or after 10/8/10.*

These new rules are contained within Title 8 (Industrial Relations) of the California Code of Regulations, CCR sections 9767.12, 9880, and 9881, and take effect **October 8, 2010.**

As a result of these changes, the current version of any "MPN employee notification" pamphlet and posting notices will only remain in effect until that date, and any such materials should be disposed and replaced with updated posting notices.

**New Notices and Posting** should be given to your *covered* employees and failure to do so may be deemed a waiver of these new MPN notification requirements (which are set forth in CCR 9767.12(f)) and could result in the loss of network control. The new poster should be placed in a conspicuous location frequented by employees during the hours of the workday and in close proximity to the workers compensation posting that has always been required (per Labor Code 3550 and CCR 9881).

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Furthermore, the regulation regarding the notice of MPN to *new* employees (CCR 9880) now requires the following additional information: a.) the right of the employee to pre-designate a personal physician or medical group; b.) a description about Medical Provider Networks which is to include that the employer may be using an MPN, what an MPN is, the pre-designation exemption from the MPN, when an employee must begin to use a physician from the MPN, and how to request information about using an MPN.

Also, the Notice to new employees should remove any reference to the rights of the employee to vocational rehabilitation services.

**THE REAL CONCERN HERE IS THAT APPLICANT ATTORNEYS MAY BE FOCUSING ON ALL INJURIES OCCURRING ON OR AFTER OCTOBER 8, 2010 AND DEMANDING PROOF OF THE NEW POSTING AND IF NOT FURNISHED OR IF THE NEW POSTING IS NOT UP, THEN THEY WILL TRY AND ASSERT DAY ONE NON-MPN MEDICAL CONTROL.**

We should expect a number of attorneys to take the position that there is no MPN control over an injury occurring on or after 10/8/10 unless the new posting was in place and for new hires after that date, the same argument would apply to the new employee pamphlet and contents.

You may view the requirements of the new regulations through the following link:

[http://www.dir.ca.gov/dwc/DWCPropRegs/MPN\\_Regulations/DWC\\_MPN\\_FinalRegs.pdf](http://www.dir.ca.gov/dwc/DWCPropRegs/MPN_Regulations/DWC_MPN_FinalRegs.pdf)

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