

## Continuity of Care Policy

At the request of an injured employee, an employer or its claims administrator that offers a medical provider network shall complete the treatment by a terminated MPN physician or provider in accordance with Labor Code sections 4616.2(d) and (e).

The employer or its claims administrator, as applicable per this MPN plan, will provide, upon request, a written copy of this policy to an employee.

The completion of treatment will be provided by a terminated provider to an injured employee who, at the time of the contract's termination, was receiving services from that provider for one of the conditions described in paragraphs (a) through (d) below, unless the provider was terminated or non-renewed for reasons related to disciplinary cause or reason, as defined in paragraph (6) of subdivision (a) of Section 805 of the Business and Professions Code, or fraud or other criminal activity.

The employer or its claims administrator, as applicable to per this MPN plan, will provide for the completion of treatment for the following conditions subject to coverage through the workers' compensation system:

- a. An 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 that has a limited duration of less than 90 days. Completion of treatment will be provided for the duration of the acute condition.
- b. Serious chronic condition. A serious chronic condition is a medical condition due to a disease, illness, or other medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over an extended period of time of at least 90 days or requires ongoing treatment to maintain remission or prevent deterioration. Completion of treatment will 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 employer or its claims administrator in consultation with the injured employee and the terminated provider and consistent with good professional practice. Completion of treatment under this paragraph will not exceed 12 months from the contract termination date.
- c. A 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 will be provided for the duration of a terminal illness.
- d. Surgery or other procedure. Performance of surgery or other procedure that is authorized by the employer or insurer as part of a documented course of treatment and has been recommended and documented by the provider to occur within 180 days of the contract's termination date.

Following the employer's or its claims administrator determination of the injured covered employee's medical condition, the employer, insurer or an entity that provides physician network services will notify the covered employee of the determination regarding the completion of treatment and whether or not the covered employee will be required to select a new provider from the MPN. The notification will be sent to the employee's address with copy to the employee's

primary treating physician. The notification will be written in English and Spanish using lay person terms.

If the terminated provider agrees to continue treating the injured covered employee in accordance with Labor Code section 4616.2 and if the injured employee disputes the medical determination regarding the continuity of care, the injured employee can request a report from the injured employee's primary treating physician that addresses whether the employee falls within any of the conditions described in paragraphs (a) through (d). If the treating physician fails to provide the report to the covered employee within 20 calendar days of request by the covered injured employee, the determination made by the employer or insurer shall apply.

If the employer or its claims administrator utilizing this MPN, or the injured covered employee objects to the medical determination by the treating physician, the dispute regarding the medical determination made by the treating physician regarding the continuity of care shall be resolved pursuant to Labor Code section 4062.

If the treating physician agrees with the employer's or its claims administrator determination that the injured employee's medical condition does not meet the conditions set forth in paragraphs (a) through (d), the employee shall choose a new provider from within the MPN during the dispute resolution process.

If the treating physician does not agree with the employer's or its claims administrator determination that the injured employee medical condition does not meet the conditions set forth in paragraphs (a) through (d), the injured employee shall continue to treat with the terminated provider until the dispute is resolved.

**Contractual terms and conditions-** the employer or its claims administrator may require the terminated provider whose services are continued beyond the contract termination date pursuant to this section 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 upon agreement does not comply with these contractual terms and conditions, then the employer or its claims administrator is not required to continue the provider's services beyond the contract termination date.

**Compensation-** Unless otherwise agreed by the terminated provider and the MPN, the services rendered pursuant to this section will be compensated at rates and methods of payment similar to those used by the employer or its claims administrator for currently contracted providers providing similar services who are practicing in the same or a similar geographic area as the terminated provider. The employer or its claims administrator is not required to continue the services of a terminated provider if the provider does not accept the payment rates provided for in this paragraph.

**Continuity of care beyond requirements-** The employer or its claims administrator, may agree to allow the injured covered employee to continue to treat with the terminated provider beyond the requirements and timeframes defined in this policy and Labor Code section 4616.2.