

# Second and third opinion process policy for employees

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## Medical Provider Network (MPN) MPN Identification Number

- A. If the covered employee disputes either the diagnosis or the treatment prescribed by the primary treating physician or the treating physician, the employee may obtain a second and third opinion from physicians within the MPN. During this process, the employee is required to continue his/her treatment with the treating physician or a physician of his or her choice within the MPN.
- B. If the covered employee disputes either the diagnosis or the treatment prescribed by the primary treating physician or the treating physician, it is the employee's responsibility to: **(1)** inform their claims adjuster either orally or in writing that he or she disputes the treating physician's opinion and requests a second opinion; **(2)** select a physician or specialist from a list of available MPN providers; **(3)** make an appointment with the second opinion physician within 60 day from receipt of list; and **(4)** inform the claims adjuster of the appointment date.

It is the employer's or insurer's responsibility to: **(1)** provide a regional area listing of MPN providers and/or specialists to the employee for his/her selection based on the specialty or recognized expertise in treating the particular injury or condition in question and inform the employee of his or her right to request a copy of the medical records that will be sent to the second opinion physician; **(2)** contact the treating physician, provide a copy of the medical records or send the necessary medical records to the second opinion physician prior to the appointment date and provide a copy of the records to the covered employee upon request; and

**(3)** notify the second opinion physician in writing that he or she has been selected to provide a second opinion and of the nature of the dispute with a copy to the employee.

If the appointment is not made by the employee within 60 days of receipt of the list of the available MPN providers, then the employee will be deemed to have waived the second opinion process with regard to this disputed diagnosis or treatment of this treating physician.

- C. If, after reviewing the covered employee's medical records, the second opinion physician determines that the employee's injury is outside the scope of his or her practice, the physician will notify the claims adjuster and employee so the claims adjuster can provide a new list of MPN providers and/or specialists to the employee for his/her selection based on the specialty or recognized expertise in treating the particular injury or condition in question.
- D. If the covered employee disagrees with either the diagnosis or treatment prescribed by the second opinion physician, the injured employee may seek the opinion of a third physician within the MPN. It is the employee's responsibility to: **(1)** inform the claims adjuster either orally or in writing that he or she disputes the treating physician's opinion and requests a third opinion; **(2)** select a physician or specialist from a list of available MPN providers; **(3)** make an appointment with the third opinion physician within 60 days of receipt of the list; and **(4)** inform the claims adjuster of the appointment date.

It is the employer's or insurer's responsibility to:

**(1)** provide a regional area listing of MPN providers and/or specialists to the employee for his/her selection based on the specialty or recognized expertise in treating the particular injury or condition in question and inform the employee of his or her right to request a copy of the medical records that will be sent to the third opinion physician; **(2)** contact the treating physician, provide a copy of the medical records or send the necessary medical records to the third opinion physician prior to the appointment date and provide a copy of the records to the covered employee upon request; and **(3)** notify the third opinion physician in writing that he or she has been selected to provide a third opinion and of the nature of the dispute with a copy to the employee.

If the appointment is not made by the employee within 60 days of receipt of the list of the available MPN providers, then the employee will be deemed to have waived the third opinion process with regard to this disputed diagnosis or treatment of this treating physician.

- E. If, after reviewing the covered employee's medical records, the third opinion physician determines that the employee's injury is outside the scope of his or her practice, the physician will notify the claims adjuster so the claims adjuster can provide a new list of MPN providers and/or specialists to the employee for his/her selection based on the specialty or recognized expertise in treating the particular injury or condition in question.
- F. The second and third opinion physicians will render his or her opinion of the disputed diagnosis or treatment in writing and offer alternative diagnosis or treatment recommendations, if applicable. Any recommended treatment will be in accordance with Labor Code section 4616(e). The second and third opinion physicians may order diagnostic testing if medically necessary. A copy of the written report will be served on the employee, the claims adjuster and the treating physician within 20 days of the date of the appointment or receipt of the results of the diagnostic tests, whichever is later.
- G. The employer or insurer will permit the employee to obtain the recommended treatment within the MPN. The covered employee may obtain the recommended treatment by changing physicians to the second opinion physician, third opinion physician, or other MPN physician. If the MPN does not contain a physician who can provide the recommended treatment, the employee may choose a physician outside the MPN within a reasonable geographic area.
- H. If the injured covered employee disagrees with the diagnosis or treatment of the third opinion physician, the employee may file with the Administrative Director of California Division of Workers' Compensation a request for an MPN Independent Medical Review (MPN IMR). At the time the employee selects the third opinion physician, the MPN contact will send the employee information about the MPN Independent Medical Review (MPN IMR) process and the form to request an MPN IMR.

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