

Kermit Lied!

Garrett Casey

Do you remember long ago when Kermit the Frog sang "It's Good to be Green"? It may be good to be a green frog, but being a "green" acupuncturist is not.

What am I talking about? The practice among new acupuncturists to take "green lien" workers' compensation cases for treatment.

What's a green lien, you ask? In workers' compensation, disputes can arise with respect to: whether the injury took place as reported; the treatment being received is reasonable or necessary; the opinions of experts hired by either side; the carrier or the injured's attorney; or the issue of disability or treatment or, if by virtue of a future medical award, the care being received is reasonable. There are numerous reasons for a dispute, but regardless of the basis for the dispute, medical care post-dispute is handled by "green lien."

This doesn't mean the injured worker is not in need of treatment: it only means that you will not be paid until the WCAB (Workers' Compensation Appeals Board) makes a ruling on whether your treatment was reasonable and necessary to cure or relieve the injured from the affects of the industrial injury. It's possible that another physician, prior to your initiation of care, opined that all future care would be unreasonable based on his/her examination and review of records. Without a complete review of the records PRIOR to your initiation of care, you have no idea how serious the issue is or what battles you must then wage to get your treatment paid.

Don't be misled thinking that just because the injured worker or their representative counsel "has a good feeling about" the case or is "sure" the case is solid and will prevail, that the case is good and you will ultimately get paid. The attorney is representing the injured, not you. At the time of the hearing in which the injured worker's attorney tries to settle the issues of disability and future medical costs, your "lien" for treatment is not very important (virtually nonexistent, to be honest). However, if you are present at either the MSC (mandatory settlement conference) or WCAB trial, you have a good chance to prevail on your bill/lien.

Remember that as a lien physician in workers' compensation, you still need to follow the rules of LC 9785 (Duties of the Employee Selected Physician). You must continue to send in your PR-2 reports every 45 days if the injured is continuing to be treated. Bill according the official medical fee schedule. At the time of treatment termination, file the necessary reports and bills. Most important, file the lien with the WCAB. The applicant attorney will provide you the WCAB case number so that all your documents can get into the file before hearing. Just sending them to the carrier and the attorney are not enough: walk them into the WCAB and have the case pulled. Date-stamp everything and hand place your records into the file. Do it yourself, not someone on staff. You will then be notified of the MSC/trial date so you can attend.

Not all lien cases are bad. Some have definite merit with injured workers that really need care. You have to decide how long you are willing to wait for payment. It's hard enough to handle most workers' compensation cases without the lien issue, let alone one fraught with complicated labor

code issues.

Remember: aside from Kermit and liens, the only other "good green" is cash!!

DECEMBER 2000

©2024 Acupuncture Today™ All Rights Reserved