

# Covered Employee Notification of Rights Materials

## Regarding

### Berkshire Hathaway Homestate Companies

### Medical Provider Network

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This pamphlet contains important information about your medical care in case of a work-related injury or illness

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#### You Are Important To Us

A safe working environment is our number one priority. However, should you become injured or ill, as a result of your job, we want to ensure you receive prompt quality medical treatment. Our goal is to assist you in making a full recovery and returning to your job as soon as possible. In compliance with California law, we provide workers' compensation benefits, which include the payment of all appropriate medical treatment for work-related injuries or illnesses. If you have any questions regarding the MPN, please contact your claims examiner directly. You may also contact the MPN Help Desk by calling (888) 495-8949.

#### Berkshire Hathaway Homestate Companies MPN

Berkshire Hathaway Homestate Companies (Cypress Insurance Company, Oak River Insurance Company, and Redwood Fire & Casualty) provides workers' compensation coverage for you in the event you sustain a work-related injury. The Berkshire Hathaway Homestate Companies MPN accesses medical treatment through selected Blue Cross of California and Kaiser On-The-Job providers. These doctors, hospitals and other providers respond to the special requirements of on-the-job injuries or illnesses.

#### Access to Care

If you should experience a work-related injury or illness, you should:

##### Notify your employer:

§ Immediately notify your supervisor or employer representative so you can secure medical care. Employers are required to authorize medical treatment within one working day of your filing of a completed claim form (DWC-1). To ensure your rights to benefits, report every injury and request a claim form.

##### Initial or Urgent Care:

§ If medical treatment is needed, your employer will direct you to an MPN provider upon initial report of injury. Access to medical care should be immediate but in no event longer than 3 business days.

##### For Emergency Care:

§ In the case of an emergency\* go to the nearest healthcare provider. Once your condition is stable, contact your employer, your claims examiner, or call (888) 495-8949 for assistance in locating a MPN provider for continued care.

*\*Emergency care is defined as a need for those health care services provided to evaluate and treat medical conditions of a recent onset and severity that would lead a lay person, possessing an average knowledge of medicine, to believe that urgent care is required.*

##### Subsequent Care:

§ All non-medical emergencies which require ongoing treatment, in-depth medical testing or a rehabilitation program, must be authorized by your claims examiner and based upon medically evidenced based treatment guidelines (American College Of Environmental Medicine "ACOEM" or California Labor Code §5307.27). Access to subsequent care, including specialist services, shall be available within no more than twenty (20) business days.

##### Treatment Outside California:

- § You may receive treatment outside the Berkshire Hathaway Homestate Companies MPN if: You are authorized by your employer to temporarily work or travel for work outside California; you are temporarily residing outside of California during your recovery from a work-related injury; or you are a former employee permanently residing outside California.

**Treatment In Rural or Remote Areas:**

- § Should you require non-emergency treatment in rural/remote areas, or the MPN is otherwise unable to meet the access standards as specified in this section, you will be permitted to select an appropriate physician of choice to provide required treatment outside the MPN.

**How to Choose a Physician within the MPN**

The MPN has providers for the entire state of California. The MPN must give you a regional list of providers that includes at least 3 physicians in each specialty commonly used to treat work related injuries or illnesses in your industry. The MPN must provide access to primary physicians within 15 miles and specialists within 30 miles. To locate a participating provider or obtain a regional listing:

**Provider Directories:**

- § On-line Directories – if you have internet access, you may obtain a regional directory or locate a participating provider near you by logging on to [www.bhhc-wc.com](http://www.bhhc-wc.com).
- § If you do not have internet access, you may contact your examiner directly for assistance in locating an MPN provider. You may also contact the MPN Help Desk by calling (888) 495-8949.
- § Promptly contact your claims examiner to notify us of any appointment you schedule with an MPN provider.

**Choosing a Physician (for all initial and subsequent care):**

- § Your employer will direct you to an MPN provider upon initial report of injury. You have the right to be treated by a physician of your choice within the MPN *after your initial visit*.
- § If you wish to change your MPN physician after your initial visit, you may do so by:
- Ø Accessing the on-line provider directories (see above).
  - Ø Contacting your claims examiner for assistance.
  - Ø Contacting the MPN Help Desk by calling (888) 495-8949.
- § If you select a new physician, immediately contact your claims examiner and provide him or her with the name, address and phone number of the physician you have selected. You should also provide the date and time of your initial evaluation.
- § If it is medically necessary for your treatment to be referred to a specialist, your MPN physician will make the appropriate referral within the network.
- § If a type of specialist is recommended by your MPN physician but is not available to you within the network, your claims examiner will work with you and your MPN physician to locate a specialist outside of the network, schedule an appointment and notify you of the date and time, or you may select the appropriate specialist and notify us of your selection. Your MPN physician, who is your primary treating physician, will continue to direct all of your medical treatment needs.
- § If you have difficulty in finding a provider within the MPN or scheduling an appointment, please contact your claims examiner for assistance. You may also contact the MPN Help Desk for assistance by calling (888) 495-8949.

## Second and Third Opinions and Independent Medical Review (IMR)

If you disagree with your physician or wish to change your physician for any reason, you may choose another treating physician within the MPN.

If you disagree with either the *diagnosis or treatment* prescribed by your physician, you may ask for a second opinion from another physician with the MPN. If you want a second opinion, you must contact your claims examiner or the MPN Help Desk and you will be provided a regional area listing of MPN providers from which you may choose a second opinion physician. To get a second opinion, you must choose a physician from the MPN listing and make an appointment within 60 days. You must advise your claims examiner or the MPN Help Desk of your appointment date and the second opinion physician will be sent a copy of your medical records. You may request a copy of your medical records that will be sent to the second opinion physician.

If you do not make an appointment within 60 days of receiving the regional area listing, you will not be allowed to have a second or third opinion with regard to the disputed diagnosis or treatment from your treating physician.

If the second opinion physician feels that your injury is outside of the type of injury he or she normally treats, the second opinion physician's office will notify your claims examiner and you will receive another listing of MPN physicians or specialist from which you can make another selection.

If you disagree with the second opinion physician, you may request a third opinion. If you request a third opinion, you will go through the same process you went through for the second opinion. Remember that if you do not make an appointment within 60 days of obtaining another MPN provider listing, you will not be allowed to have a third opinion with regard to the disputed diagnosis or treatment from your treating physician.

If you disagree with the third opinion physician, you may request an Independent Medical Review (IMR). Your claims examiner will provide you information on requesting an IMR and a form at the time you request a third opinion.

If either the second or third opinion physician agrees with your need for a treatment or test, you will be allowed to receive that medical service from a provider within the MPN, including the second or third opinion physician.

If the Independent Medical Reviewer supports your need for a treatment or test you may receive that care from a physician within or outside the MPN.

A complete copy of the Second and Third opinion and IMR policy is available upon request.

## Continuity of Care Policy

If you are being treated by a MPN physician who leaves the BHC MPN, the *Continuity of Care* policy determines whether you can temporarily continue treatment for your existing work injury with your physician that is no longer participating within the BHC MPN.

If your employer decides that you do not qualify to continue your care with the non-MPN physician, you and your physician will receive a letter of notification.

If you meet certain conditions, you may qualify to continue treating with this physician for up to one year before you must switch to a MPN physician. These conditions are set forth in the Transfer of Care section below.

You can disagree with your claims examiner's decision to deny you continuity of care with the terminated MPN physician. If you want to continue treating with the terminated physician, ask your physician for a medical report on whether you have one of the four conditions specified below to see if you qualify to continue treating with your current physician temporarily.

Your treating physician has 20 days from the date of your request to give you a copy of his or her report on your condition. If your treating physician does not give you the report within 20 days of your request, your care will be transferred into the MPN and you will be required to use a MPN physician. You must give a copy of the report to your claims examiner if you wish to postpone the transfer of your care into the MPN. If you or your claims examiner disagrees with your physician's report on your condition, you or your claims examiner can dispute it. See the complete Continuity of Care policy for more details on the dispute resolution process.

A copy of the complete Continuity of Care Policy is available upon request.

### **Transfer of Care Policy**

If you are already being treated for a work-related injury before the MPN begins, the *Transfer of Care* policy determines if you can continue being temporarily treated for an existing work-related injury by a physician outside the MPN before your care is transferred into the MPN.

If you have properly predesignated a primary treating physician, you cannot be transferred into the MPN (if you have questions about predesignation, ask your supervisor). If your current physician is not or does not become a member of the BHHC MPN, then you may be required to see a MPN physician.

If your claims examiner decides to transfer you into the MPN, you and your primary treating physician will receive a letter notifying you of the transfer.

If you meet certain conditions, you may qualify to continue treating with a non-MPN physician for up to one year before you are transferred into the MPN. The qualifying conditions to postpone the transfer of your care into the MPN are described below:

- § **Acute** – The treatment for your injury or illness will be completed in less than 90 days.
- § **Serious or Chronic** – Your injury or illness is one that is serious and continues for at least 90 days without full cure or worsens and requires ongoing treatment. You may be allowed to be treated by your current treating physician for up to one year, until a safe transfer of care can be made.
- § **Terminal** – You have an incurable illness or irreversible condition that is likely to cause death within one year or less.
- § **Pending Surgery** – You already have a surgery or other procedure that has been authorized by your claims examiner that will occur within 180 days of the MPN effective date, or the termination of contract date between the MPN and your treating physician.

You may disagree with your claims examiner's decision to transfer your care into the MPN. If you do not want to be transferred into the MPN, ask your primary treating physician for a medical report on whether you have one of the four conditions stated above to qualify for a postponement of your transfer into the MPN.

Your primary treating physician has 20 days from the date of your request to give you a copy of his or her report on your condition. If your primary treating physician does not give you the report within 20 days of your request, your care will be transferred into the MPN and you will be required to use a MPN physician. You will need to give a copy of the report to your claims examiner if you wish to postpone the transfer of your care. If you or your

claims examiner disagrees with your physician's report on your condition, you or your claims examiner may dispute it. See the complete Transfer of Care policy for more details on the dispute resolution process.

A copy of the complete Transfer of Care Policy is available upon request.