



A LIMITED LIABILITY CORPORATION

LIEN TRAINING

2020



DISCLAIMER

THE INFORMATION IN THIS TRAINING PRESENTATION WAS COMPILED FOR EDUCATIONAL PURPOSES ONLY. IT IS INTENDED TO PROVIDE YOU WITH GENERAL INFORMATION AND A GENERAL UNDERSTANDING OF THE AUTHORITIES MENTIONED.

DATA HAS BEEN PULLED FROM OUR (HCRG) OWN INTERNAL DATABASE AS WELL AS THE DEPARTMENT OF INDUSTRIAL RELATIONS AND OTHER CITED SOURCES.

EXAMPLES GIVEN ARE SUGGESTIONS ONLY AND SHOULD NOT BE RELIED UPON AS LEGAL ADVICE.

AGENDA

-
- Resolving Liens in 2020
 - Lien Litigation (COVID-19 Telephonic Appearance Rules)
 - Lien Resolution Tips
 - Threshold Issues / Documentation
 - Work Comp Fraud Updates
 - Medical Legal Dispute Resolution Process
 - Key Decisions
 - Future of liens
 - Obstacles to File Closure
 - Conclusion

LIEN LITIGATION – COVID-19 ADJUSTMENTS

- Lien Conferences and Lien Trials automatically rescheduled March – June 8th.
- Lien Trials continue to be automatically rescheduled
- As of June 8, 2020 Lien Conferences are being heard, telephonically
 - Three Lien Conferences per judge per session
 - individually assigned judges' conference lines
 - Parties call in and await instructions
- DIR court calendar can be accessed online, updated daily
 - <https://www.dir.ca.gov/DWC/CourtCalendar/CourtCal.asp>

DWC JUDGE CONFERENCE LINES

Last Name	First Name	Toll Free	Access Code
ALDRICH	ARIEL	(866) 434-5269	6684936
ARENDT	MARIBETH	(866) 390-1828	9800539
ASHTON	STEFANIE	(888) 636-3807	8606968
ASLANIAN	KARINNEH	(888) 204-5984	1039641
ATCHERLEY	LINDA	(877) 336-1828	4075342
BANCROFT	DIANE	(877) 336-1829	4775146
BANKS	SUZANNE	(877) 873-8017	3606847
BARBOSA	PENNY	(877) 402-9753	1161696
BATHER	HELEN	(888) 363-4734	5103740
BENTLEY	CHARLES	(888) 398-2342	5822441
BERNAL	SHARON	(866) 434-5269	8775071
BEWICK	JOSEPH	(888) 636-3807	1082775
BORIOLO	KATIE	(877) 336-1829	6105094
BORSKA	ELLIOT	(877) 402-9753	6219651
BRENNEN	RICHARD	(888) 363-4735	6046700
BRITT	AMY	(866) 434-5269	6584600
BROTMAN	DAVID	(877) 336-1828	4765991
BROWN	CHRISTOPHER	(877) 873-8017	3838013
BROWN	ROBIN	(877) 402-9757	2591130
BRUFLAT	JEFFREY	(888) 398-2342	9808973
BUSHIN	MITCHELL	(866) 434-5269	3894851
CARBONE	STEVEN	(877) 336-1828	3110353
CARERO	WILLIAM	(877) 810-9415	7382390
CASEY	COLLEEN	(888) 557-8511	2762420
CATHEY	OLIVER	(888) 251-2909	3758306
CERVANTES	JUAN	(888) 636-3807	4046138
CHRISTIANO	PETER	(877) 336-1831	6521396
CLEVELAND	GREGORY	(877) 810-9415	4690975
CLIFFT	JEREMY	(877) 402-9757	7396279
COANE	JOANNE	(888) 363-4735	1517088
COHEN	JERILYN	(866) 434-5269	2334511
COLE	MICHAEL	(877) 336-1828	2354185
CORSO	ANTHONY	(877) 336-1839	6524397
COUTTS	CATHERINE	(888) 363-4734	3442970

Last Name	First Name	Toll Free	Access Code
CRAWFORD	SCOTT	(866) 590-5055	2951357
CRYMES	STUART	(877) 336-1831	3613938
CYPRIEN	JOHN	(877) 336-1839	9791975
DASILVA	THERESE	(877) 810-9415	2220617
DEVINE	LYNN	(888) 273-3658	1303740
DEVEESE	PAUL	(888) 557-8511	3412517
DIAMOND	JEFFREY	(888) 278-0296	5725935
DICOSMO	WADE	(877) 336-1828	4954896
DOBRIN	DANIEL	(877) 336-1829	7036093
DOWNEY	JAY	(877) 873-8017	8941114
DOYLE	SALLIE	(888) 398-2342	5400996
DURR	JOHN	(888) 278-0296	6417222
EATON	JODY	(888) 636-3807	2316726
EDELBERG	BONITA	(877) 402-9753	7673600
FAMIGLIETTI	MARCO	(888) 363-4734	8501860
FEDDERSEN	CLINT	(888) 278-0296	1525408
FENG	JULIE	(888) 204-5984	2967218
FRIEDMAN	JEFFREY	(877) 336-1829	9517860
FUEDEM	MARK	(877) 402-9757	9960382
GAINES	MARTHA	(888) 808-6929	6783068
GELLER	MICHAEL	(866) 434-5269	4394582
GLASS	CRAIG	(877) 336-1831	5995905
GOGERMAN	EUGENE	(877) 411-9748	7371912
GORDON	NANCY	(877) 402-9753	7285634
GORDON	TERRI ELLEN	(888) 398-2342	3897650
GRAPER	SANDRA	(866) 590-5055	7976792
GREENBERG	MICHAEL	(877) 336-1828	1923054
GRIFFIN	JIM	(877) 810-9415	8294781
GUNN	WILLIAM	(888) 398-2342	5346089
HALPRIN	NATE	(888) 808-6929	9419329
HARTER	JOEL	(866) 590-5055	5247228
HAWTHORNE	ALICIA	(877) 336-1829	4591252
HILL	ROBERT	(877) 810-9415	6816792
HINK	PETER	(877) 336-1831	5698176

Last Name	First Name	Toll Free	Access Code
HJELLE	ROBERT	(877) 411-9748	3266259
HOLMES	KATHARINE	(888) 363-4735	1070112
HOVAKIMIAN	SIMON	(888) 251-2909	7940303
HUGHES	TRACY	(866) 590-5055	2108745
HURSH	RANDAL	(877) 336-1831	4261809
JACKSON	ELENA	(877) 336-1839	8584690
JOHNSON	DON	(877) 402-9757	8864313
JONES	YVONNE	(888) 273-3658	1322510
JUSTICE	MICHAEL	(866) 390-1828	6234134
KALOPE-BERSIN	JENNIFER	(877) 336-1839	6311187
KAO	TIFFANY	(877) 810-9415	3906678
KEATING	KACEY	(888) 363-4735	2191769
KLIPFEL	JARED	(866) 590-5055	3841628
KOSTA	DARCY	(877) 336-1831	6712860
LALLANA	ISABEL	(877) 873-8017	8236001
LAM	GENE	(888) 363-4735	3191401
LAUERMAN	DAVE	(888) 808-6929	9952936
LECOVER	MICHAEL	(866) 590-5055	5185401
LEDGER	ERIC	(877) 848-7030	4234118
LEE	GENE	(877) 873-8017	2574716
LEE	TANYA	(888) 557-8511	8547058
LEHMER	FRANCIE	(888) 251-2909	5968089
LEMBERG	HOWARD	(888) 636-3807	9612340
LEVITON	ROBIN	(877) 848-7030	6321318
LEVY	CLIFFORD	(877) 411-9748	6282613
LUSK	JEREMY	(888) 273-3658	3027947
MADSEN	JANE	(888) 278-0296	1732959
MARRONE	JEFFREY	(888) 636-3807	4254604
MARSHALL	DEWAYNE	(877) 848-7030	9336219
MARSTEINER	DIANA	(877) 873-8017	5161916
MAUPIN	THOMAS	(877) 402-9757	3816428
MAYS	ROBERT	(888) 273-3658	3483022
MENDIVEL	LAURA	(888) 808-6929	4467194
MENEFE	TERRY	(877) 402-9757	9256818

DWC JUDGE CONFERENCE LINES

Last Name	First Name	Toll Free	Access Code
MI	IVY	(888) 808-6929	4652553
MILLER	CHRISTOPHER	(866) 390-1828	4057745
MORGAN	JEFFREY	(877) 848-7030	2590005
NACHISON	DANIEL	(877) 411-9748	2945004
NAKATANI	BEN	(888) 204-5984	7407568
NELSON	TIMOTHY	(888) 363-4734	6619299
NORTON	ROBERT	(888) 808-6929	7343911
ODOR	ASHLEY	(888) 204-5984	3732266
OESTERREICH	LORI	(877) 848-7030	1212649
ORTEGA	KATHLEEN	(888) 557-8511	5032846
OWENSBY	LOIS	(888) 251-2909	4354744
PADILLA	ADORALIDA	(866) 390-1828	9176899
PALMBERG	GREGORY	(877) 848-7030	6376843
PETTY	MYRLE	(877) 411-9748	5927071
PHILLIPS	DIANE	(888) 363-4734	5776405
POLLAK	DAVID	(888) 398-2342	1107157
PULLEY	PAMELA	(866) 390-1828	7115332
PUSEY	ROBERT	(877) 336-1828	7768949
QUIEL	CYNTHIA	(877) 336-1839	9324369
RASMUSSEN	SHILOH	(888) 557-8511	2003058
RASSP	ROBERT	(888) 273-3658	5275637
RENY	GEORGE	(866) 390-1828	6356356
REYES	MONIKA	(877) 336-1828	3396299
RILEY	ROISILIN	(877) 873-8017	1778692
ROMANO	MARK	(888) 363-4735	1147294
ROSE	CIRINA	(866) 390-1828	7224258
ROSENFELD	SANDRA	(888) 204-5984	9900534
RUEDAFLORES	TOMMY	(877) 336-1839	7748014
RUSSELL	TOM	(877) 402-9753	9341687
SANDOVAL	DEBRA	(888) 363-4734	8599634
SANFORD	TIM	(888) 398-2342	7702846
SCHAUMBERG	JASON	(866) 434-5269	2023283
SCHULTZ	BOLYNDA	(866) 390-1828	4609819
SCOTT	ANGELIQUE	(888) 204-5984	8826869

Last Name	First Name	Toll Free	Access Code
SEIDEN	SCOTT	(888) 204-5984	2150124
SEYMOUR	DAVID	(877) 810-9415	7502698
SHIELDS	STANLEY	(888) 557-8511	5052297
SHORENSTEIN	ANDREW	(888) 251-2909	2690651
SIMS	GEOFFREY	(866) 590-5055	3965140
SIQUEIROS	JOHN	(877) 336-1831	3354888
SKELLY	ALAN	(877) 411-9748	4556718
SMITH	TERRY	(888) 273-3658	3968297
SOMMER	ROBERT	(888) 808-6929	7516362
SPITZER	JAMIE	(888) 636-3807	9877466
SPOERI	ROBERT	(877) 336-1839	4037196
STONE	PAMELLA	(877) 402-9753	4735600
STRINGFELLOW	DEAN	(888) 273-3658	3140122
SUH	PAULINE	(888) 278-0296	9560753
SULPRIZIO	MARY	(888) 204-5984	1181943
SUSSMAN	LISA	(888) 278-0296	5875053
SWANSON	CURT	(877) 336-1829	3647259
SZELENYI	LILLA	(877) 402-9757	2876220
TEMPKIN	NOAH	(888) 363-4734	9855612
THOMPSON	MARYANNE	(888) 278-0296	7765898
THORNE	DAVID	(888) 204-5984	4682925
TOLMAN	ROGER	(877) 336-1829	5784173
TUAN	STEVEN	(877) 402-9753	4816282
UTTER	MICHELLE	(888) 251-2909	2577788
VELZY	SHARON	(866) 434-5269	7454697
WALKER	JACQUELINE	(877) 336-1831	9572396
WARD	JEFFREY	(877) 411-9748	1650407
WATKINS	DOUGLAS	(888) 363-4735	6153629
WHITCOMB	DEBORAH	(888) 251-2909	8296766
WICKLER	ROBERT	(888) 278-0296	8673324
WILKENS	PETER	(866) 590-5055	1658480
WILLIAMSON	BERNIE	(888) 636-3807	3310998
WILLMON	CHRIS	(877) 336-1831	5637788
WILSON	JEFFREY	(877) 848-7030	6121430

Last Name	First Name	Toll Free	Access Code
YEE	ERIC	(877) 336-1829	7361845
YOUNG	MICHAEL	(877) 336-1839	5402915
ZAMUDIO	RALPH	(877) 873-8017	3113787
ZERBONI	JAMES	(877) 810-9415	8657545
ZINNER	MARILEN	(877) 411-9748	8873974

LIEN LITIGATION – TIPS FOR EFFICIENT LITIGATION



- Preparation is key!
 - Utilize the [WCAB Court Calendar](#) to confirm your Lien Conference is one of the “three per session”
 - Contact all parties and confirm telephonic appearance
 - Confirm all parties received discovery
 - Come to an agreed upon disposition
 - OTOC
 - Continuance
 - Set for Lien Trial – expect delays as LT are not*
 - Pre-fill the PTCS via email with all parties included*

*WCJ are currently instructed to not allow Lien Trials to be set ☹



Outweigh the cost of continued delays in litigation vs resolving the lien



Lien Trials can be complex and will be difficult to handle telephonically

LIEN LITIGATION – COST BENEFIT ANALYSIS

LIEN RESOLUTION TIPS

COVID-19 has
created a new
environment

Lien Claimants
have more
time

Reasonable
negotiations
have increased

LIEN RESOLUTION TIPS – FATAL FLAWS

FRAUD

- SB 1160 STAYS ANY LIEN UPON THE FILING OF CRIMINAL CHARGES
- SB 1160 ALLOWS FOR SUSPENSION OF FRAUDULENT PROVIDERS FROM WC SYSTEM
- **SUSPECTED FRAUD IS NOT THE SAME!**

DEFECTIVE LIEN FILING

- 4903.8 (d) – Party signs under penalty of perjury that services/products billed were actually provided and that the billing submitted is true and accurate
- 10550 (d) - Proper Identification of the Parties and Lien Claimants – Assignment should be disclosed and a copy of assignment filed
- 10770.5 – Verification to Filing Lien Claim
- 4903.05 (c) – For all liens filed on or after 1/1/17

STANDING

- 3rd Party without a valid Assignment – Provider of Service is not the Lien Claimant
- FTB Status Suspended – Can't collect from the date their Business License is suspended
- Licensing – They must have been licensed at time of service under their Professional Industry (Medical, Pharmacy, Laboratory, etc.)

LIEN RESOLUTION TIPS – FRAUD

Labor Code section 4615 places an automatic stay on liens filed by or on behalf of physicians and providers who are criminally charged with certain types of fraud. The automatic stay prevents those liens from being litigated or paid while the prosecution is pending. Not all providers charged with fraud are marked 4615 in EAMS.

Amir Friedman, 54, an anesthesiologist, of Calabasas, California, was charged for his alleged participation in a conspiracy to commit honest services mail and wire fraud and Travel Act violations involving approximately \$800,000 in kickbacks for compounded pharmaceutical drugs involving New Age Pharmaceuticals, Inc.

<https://www.justice.gov/opa/pr/charges-brought-against-34-individuals-alleged-west-coast-medicare-and-medicaid-fraud-schemes>

HE PLED GUILTY ON October 21, 2019

LIEN RESOLUTION TIPS – FRAUD

EAMS HAS NOT MARKED AMIR FRIEDMAN'S LIEN AS 4615 OR CONSOLIDATED

<i>Lien Filed</i> ⚡	<i>Injury</i> ⚡	<i>Next Hearing</i> ⚡	<i>Lien</i> ⚡	<i>Lien Fee</i> ⚡	<i>Lien Fee</i> ⚡	<i>Injured Worker</i> ⚡	<i>Lien Claimant</i> ▲	<i>DWC Proceeding</i>
<i>Date</i>	<i>Date</i>	<i>Date</i>	<i>Amount</i>	<i>Status</i> ⓘ	<i>Payment Date</i>	<i>Name</i>	<i>Name</i>	<i>Status</i> ⓘ
08/02/2016	09/18/2006		25044.98	PAID	08/02/2016	BEVERLY FUENTES	AMIR FRIEDMAN ENCINO	
10/19/2016	09/18/2006		8414.67	PAID	10/19/2016	BEVERLY FUENTES	AMIR FRIEDMAN ENCINO	

LIEN RESOLUTION TIPS – FRAUD

A quick google
search is all it
takes!

srtklaw.com › breaking-news-post › doctor-charged-in-... ▼

[Doctor Charged in \\$150 Million Healthcare Fraud Scheme ...](#)

Oct 28, 2019 - **Amir Friedman's plea** agreement was accepted by the Centra District of ... on October 21, and will see him return for **sentencing** on April 6th.

www.beckersasc.com › anesthesia › anesthesiologist-ple... ▼

[Anesthesiologist pleads guilty in connection to \\$150M fraud ...](#)

Oct 28, 2019 - **Amir Friedman**, MD, of Calabasas, Calif., **pleaded guilty** to one count of conspiracy to commit honest services mail fraud in the Central District of ...

www.workcompcentral.com › news › article ▼

[Court Accepts Anesthesiologist's Guilty Plea in Alleged \\$150M ...](#)

Oct 28, 2019 - **Amir Friedman** **pleaded guilty** to one count of conspiracy to commit honest services mail fraud for his role in a part of the alleged scheme that ...

www.justice.gov › ... › Office of Public Affairs › News ▼

[Charges Brought Against 34 Individuals for Alleged West Coast](#)

Sep 18, 2019 - The case is being prosecuted by Trial Attorneys Emily Z. Culbertson and ... **Amir Friedman**, 54, an anesthesiologist, of Calabasas, California, ...

Missing: [plea](#) | Must include: [plea](#)

LIEN RESOLUTION TIPS – DEFECTIVE LIEN FILING CHECKLIST

-
- Notice and Allowance of Lien
 - Original bills in addition to either full statement supporting the lien
 - 4903.05(c) declaration
 - 4903.8 (d) declaration
 - 10550 (d) declaration – only if lien has been assigned
 - 10770.5 declaration

Ways to get this information:

1. FileNet:
<https://eams.dwc.ca.gov/external/logon.jsp>
2. Ask the lien claimant prior to negotiating

LIEN RESOLUTION TIPS – STANDING

- When you get original bills for medical treatment or medication look at the Location of Service section. If the location of service is not the same as the lien claimant, you are not resolving the with the actual provider of service.
- In the example below San Gabriel River Medical Group is the lien claimant. The Service Facility Location is an address connected with Vital Imaging.

25. FEDERAL TAX I.D. NUMBER 320538778	SSN EIN <input type="checkbox"/> <input checked="" type="checkbox"/>	26. PATIENT'S ACCOUNT NO. 277858	27. ACCEPT ASSIGNMENT? <small>(For paid claims see back)</small>	28. TOTAL CHARGE \$ 4788.00	29. AMOUNT PAID \$ 0.00	30. Rsvd for NUCC Use
31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.) San Gabriel River Medical Group, P.C.		32. SERVICE FACILITY LOCATION Bellflower 9500 E. Artesia Blvd. Bellflower, CA 90706		33. BILLING PROVIDER INFO & PH # (562) 548-7474 San Gabriel River Medical Group, P.C. 1801 West Olympic Blvd File 2118 Pasadena, CA 91199-2118		
SIGNED 9/12/2018 DATE		a. 1184017485	b.	a. 1528430253	b.	



NEGOTIATING LIENS

THRESHOLD ISSUES AND ESTABLISHING PAPER TRIALS

2/17/2016

STATUTE OF LIMITATIONS

- **If lien filed > 1/1/13:**

- If last DOS is before 7/1/13 they have 3 years from the DOS to file their lien.
- If last DOS is 7/1/13 or after they have 18 months from the DOS to file their lien.

If lien filed < 1/1/13:

- They have 5 years from DOI, 6 months from CIC settlement and 1 year from last DOS whichever comes last

ACCEPTED CLAIM (BODY PARTS)

- Proof of Date of Knowledge
- Acceptance Letter
- MPN Notice
- Time of hire
- Responses to PTP Designation Letters
- Attempts to redirect back into MPN
- UR Determinations
- Explanation of Reviews

UTILIZATION REVIEW DOCUMENTATION

- Proof of when the RFA was submitted
- Communication with the provider during the UR process
- Copy of Initial Notification with proof of date received
- Copy of the UR Decision Letter
- Copy of the Proof of Service with date mailed out to all parties
- Any and all IMR determination letters

DENIED CLAIM (BODY PARTS)

- Proof of Date of Knowledge
- Delay Letter
- MPN Notice (5402 c)
- Denial Letter
- Depositions
- Med-Legal reports that support your position

IF THE PQME/AME KILLED YOUR DENIAL

If a claim is denied and a PQME/AME finds the body part(s) industrial and you are not going to object to the findings:

1. Conduct Retrospective Review within 30 days (especially if your UR Vendor deferred RFA's)
2. If close to settlement of the CIC submit all treatment to Utilization Review even if not in the MPN (you may not have enough time to get them back in)
3. If the CIC is not close to resolving, we recommend getting the IW back into the MPN as soon as possible and utilize UR for ongoing treatment.

BILL REVIEW / IBR

Only applicable to paid dates of service with an adopted fee schedule

- Original Explanation of Review
- Second Bill Review Requests
- Responses to Second Bill Review
- IBR Findings

Side Note: Zero-dollar Explanation of Reviews are proof of timely objection to bills. It helps when the reason for nonpayment is consistent with the status of the claim

WORK COMP FRAUD UPDATE

Consolidations are currently on hold due to COVID-19

Lien Consolidation Hearings for Suspended Physicians, Practitioners, or Providers

<https://www.dir.ca.gov/dwc/SB1160-AB1244/Calendar.htm>

Other Consolidation

<https://www.dir.ca.gov/dwc/SB1160-AB1244/Other-Consolidations-Calendar.htm>

Name	Master Case	Hearing Dates	Location and Judge
Blue Oak	SAU10342734 Attachment A	07/20/20 - 10:30 a.m.	Santa Ana - Brennen
Empire Radiology	SAU6766298	06/15/20 - 10:30 a.m.	Oxnard - Greenberg
First Choice Healthcare	SAU8830008	07/15/20 - 10:30 a.m.	Van Nuys - Gunn
Garbino, John/Mesa Pharmacy	SAU9997873 Additional Case Information	07/21/20 - 9:30 a.m.	Pomona - Britt
Reshealth	SAU9396769 Attachment A	06/25/20 - 10:30 a.m.	Anaheim - Skelly



Name	Master Case	Hearing Dates	Location and Judge
Barri, Michael E.	SAU9118666 Additional Case Information	08/12/20 - 10:30 a.m.	Anaheim - Skelly
Cox, Benjamin	SAU8970077	08/19/20 - 10:30 a.m.	Anaheim - Schultz
Drobot, Michael D.	ADJ1863051* Additional Case Information *New ADJ number	07/14/20 - 10:30 a.m.	Van Nuys - Marrone
Gharib-Danesh, Bahar	SAU9806365 Additional Case Information	06/24/20 - 10:30 a.m.	Marina del Rey - Borska
Henry, Michael J.	SAU4402765	09/14/20 - 10:30 a.m.	Oxnard - Greenberg
Hunt, Timothy/Allied Medical	SAU9755356 Additional Case Information 	08/10/20 - 10:30 a.m.	Long Beach - Lee
Iglesias, Fermin	ADJ7237023 Additional Case Information	07/27/20 - 10:30 a.m.	Oxnard - Greenberg
Kolta, Mina	SAU10030321 Additional Case Info	06/29/20 - 10:30 a.m.	Marina del Rey - Borska
Nelson, Marisa Schermbeck	SAU2545427	08/27/20 - 10:30 a.m.	Anaheim - Skelly
Rigler, Steven	ADJ10073742 Additional Case Information	07/22/20 - 10:30 a.m.	San Diego - Levy
Sobol Philip A.	ADJ1027535 Additional Case Information	07/15/20 - 10:30 a.m.	Van Nuys - Gunn

MEDICAL LEGAL DISPUTE RESOLUTION PROCESS

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WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

Applicant, [REDACTED]

vs. [REDACTED]

Defendant [REDACTED]

) Case No. [REDACTED]
) PETITION FOR DETERMINATION OF
) NON-IBR MEDICAL-LEGAL DISPUTE
) FILED BY [REDACTED]
)

- We tend to conflate “medlegal” with “non-IBR.”
- They are two separate processes.
- It diverges at the point of Defendant’s partial payment vs. nonpayment.

The first opportunity for objection to the petition is as to whether or not the Non-IBR petition is proper on grounds that, either, it is:

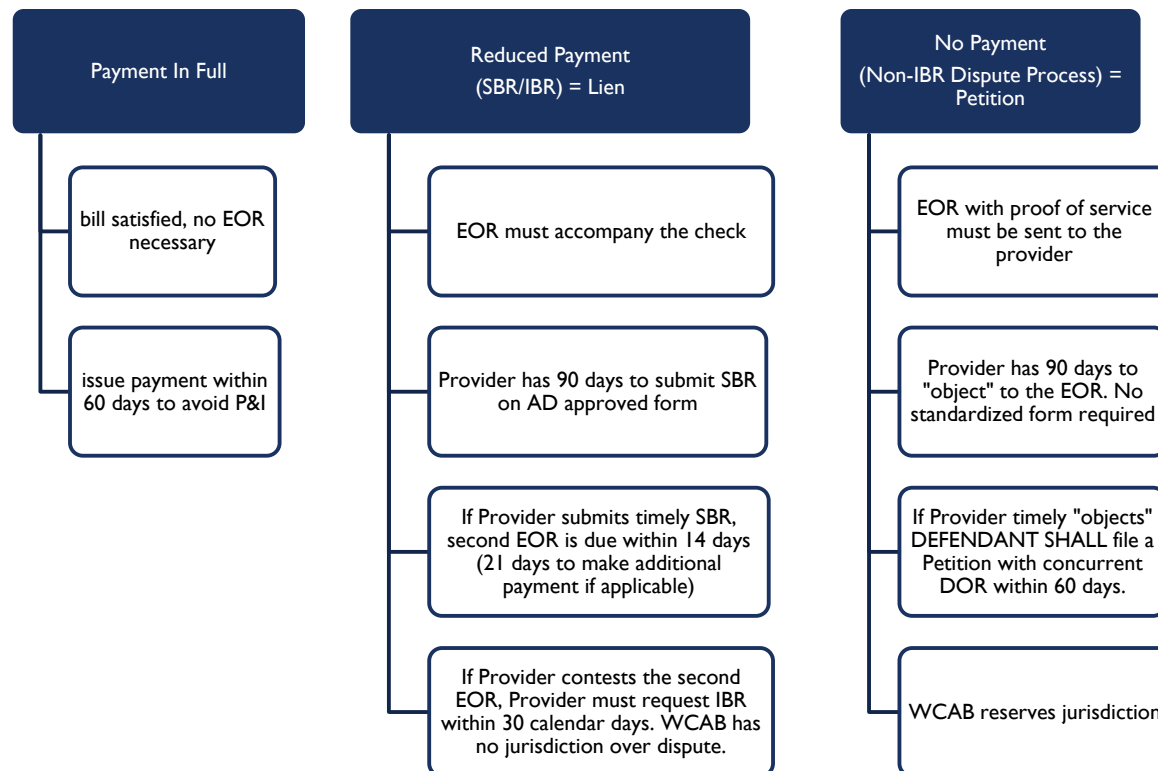
- 1) not based on medlegal services; or:
- 2) is based on a fee dispute, subject to SBR/IBR.

MEDICAL LEGAL DISPUTE RESOLUTION PROCESS

AMLS is recommending the following process for all Medical-Legal bills:

- All Medical-Legal bills (ML medical appointments, legal interpreting, vocational rehabilitation experts, and copy service expenses) require an Explanation of Review (EOR) within 60 days of receipt of the bill.
- When the claims administrator receives the medical-legal bill, they will either:
 - Issue payment in full (satisfying claim); or
 - Issue partial/fee schedule payment; or
 - Issue no payment.

MEDICAL LEGAL DISPUTE RESOLUTION PROCESS



MEDICAL LEGAL DISPUTE RESOLUTION PROCESS

Failure by provider to follow the timelines and form requirements deems the bill satisfied.

Failure by defendant to follow the timelines and for requirements opens them up to attorney fees, sanctions, and costly litigation.

LABOR CODES AND REGULATIONS

- CA Labor Code 4060
- CA Labor Code 4061
- CA Labor Code 4622 – Rules to follow when disputing payment (see flowchart) – failure to comply mandates 10% Penalty and 7% Interest
- CA Labor Code 4621 - Rules for first 60 days of a claim absent a denial notice
- § 10451.1 Determination of Medical-Legal Expense Disputes
- § 10451.1 (g) – Outlines potential liability for Costs and Fees

KEY DECISIONS – COPY SERVICE

- Colamonico v. Secure Transportation
- En banc decision
- It is the Lien Claimants/Petitioners burden to prove their services were reasonable AND necessary
- Defendants failure to object to bill or send Explanation of Review NO longer waives all defenses
- Defendants can dispute the reasonableness or necessity of a medical-legal expense

We recommend following the dispute process in the previous section; however this new decision does provide relief to defending against unreasonable services.

KEY DECISIONS – INTERPRETING MARKET RATE

- Maria Becerra, Applicant v. Slik Apparel, Employers Compensation Insurance Company, Defendants, 2019

“WCAB, rescinding WCJ’s decision, returned matter to trial level for further proceedings regarding market rate of lien claimant’s interpreting services as defined in 8 Cal. Code Reg. § 9795.1(e), when market rate evidence submitted by lien claimant at trial was insufficient to establish market rate because it only included information from accounts which were paid in full by defendants and none where lien claimant accepted less than full payment”

- Source: [Lexis Nexus](#)

KEY DECISIONS – 4903.8(D) LIEN DECLARATION

- Fernando Calderon, Applicant v. Matharu Assisted Living, State Compensation Insurance Fund, Defendants, 2019 [Petition for Writ of Review filed 10/25/2019]

“WCAB affirmed WCJ’s finding that lien claimant failed to timely file Labor Code § 4903.8(d) lien declaration and, therefore, was not entitled to recover on its 11/7/2012 lien, when lien claimant did not file declaration until 11/15/2017”

- Source: [Lexis Nexus](#)

FUTURE OF LIENS

Number of Liens Filed

As of September 30, 2019



- According to the WCIRB “the number of liens filed in the first three quarters of 2019 are more than 60% below pre-SB 1160 and AB 1244 levels”
- The report for the end of the year has been delayed due to COVID-19
- We utilized data from our proprietary lien software to complete the following slides

TYPES OF LIENS

- Fee Disputes / Balance Billing
 - Physician Services
- Copy Service Petitions for Non-IBR Determinations
- Large Hospital Liens
- Health Plans

Type of Lien	Number of Liens	Sum of Balance	% of Balance
Physician Services	348	\$4,482,803.80	28%
Interpreting	135	\$580,053.98	4%
Therapy	121	\$895,544.45	6%
Copy Service	118	\$224,804.04	1%
Medication	103	\$1,664,862.71	10%
DME	95	\$606,021.52	4%
Radiology	76	\$401,993.54	3%
Outpatient Surgery Center	43	\$587,184.75	4%
Health Plan	35	\$2,637,516.95	16%
Psych	34	\$340,273.05	2%
Diagnostic	34	\$247,901.11	2%
EDD	23	\$556,344.87	3%
Hospital	20	\$2,456,956.08	15%
Laboratory	18	\$142,486.66	1%
Sleep	11	\$66,438.28	0%
Dental	8	\$127,927.72	1%
Transportation	6	\$11,287.67	0%
Pharmacy	1	\$10,373.79	0%
Grand Total	1229	\$16,040,774.97	

TOP LIEN CLAIMANTS / PETITIONERS

- This list is in order of providers with the largest volume of liens/petitions
- Haronian, Kohan, and Spine and Ortho CTR = balance billing
- MH Express Pharmacy = MH Express Assets, LLC
- Prescription Center Pharmacy and Hepps Prescription Pharmacy delay litigation with requests for medicals

Provider Name
Med Legal Photocopy
Edwin Haronian Encino
MH Express Pharmacy
United Services DBA Ronco Drug
Progressive Orthopedic Solutions
Vision Quest Industries
Vital Imaging Medical Group Inc.
Anthem Blue Cross
WSPT Network
Socal Imaging
Tri City Health Group
Physical Medicine Institute
West Star Physical Therapy
Jonathan Kohan MD
Matrix Document Imaging Service
Comprehensive Outpatient Surgery Center
Tri County Medical Group
Marc Nehorayan MD
Certified Interpreters of California, LLC
Resource Pharmacy Inc
Spine and Ortho CTR Santa Barbara
The Dental Trauma Center
Prescription Center Pharmacy
Hepps Prescription Pharmacy

BALANCE BILLING

Provider	Sum of Balance	Sum of Paid	Sum of Amount
Edwin Haronian Encino	\$653,297.45	\$148,180.78	\$73,165.95
Jonathan Kohan MD	\$43,932.13	\$18,241.15	\$2,577.54
Spine and Ortho CTR Santa Barbara	\$134,940.45	\$50,849.50	\$7,250.00
Grand Total	\$832,170.03	\$217,271.43	\$82,993.49

- Haronian, Kohan, and Spine and Ortho CTR typically submit years of dates of service with multiple payments made.
- They don't adjust for OMFS therefore reviewing their bills becomes very time consuming
- The table to the left is a summary of liens resolved within the last six months

BE CAREFUL WITH MH EXPRESS / MH EXPRESS ASSETS

- MH Express sold their accounts receivables and liens
- MH Assets is now collecting through their representatives Medical Lien Management (MLM)
- MH Express Assets, LLC is a separate entity with a different tax identification number
- MLM has tried numerous times to collect on previously resolved liens/balances
- MH Express was used as a DBA for multiple different pharmacy names
- Review payment history prior to resolving ANY liens/balances from MH Express Assets, LLC

MH EXPRESS ASSETS/MH EXPRESS EXAMPLE

The amount of \$800.00 has been agreed to by both parties' representatives. This amount is in addition to any sums paid for dates of service only: 04/10/2015 through 05/05/2016.

As per our verbal agreement today, Please sign and email back the signed agreement. Thank you

Please confirm this agreement with your signature

This agreement is valid only if signed and returned within two weeks from the date below or 72 hours prior to the next hearing which ever occurs first.

Date and time: Friday, December 08, 2017 2:41 PM

Please make payment to MH Express Pharmacy at the above address. If payment is not received within 20 days, PENALTIES & INTEREST WILL ACCRUE.

TAXID for MH Express Pharmacy is: 95-4683977

Pharmacy Lic# PHY53652

1. MLM emailed our client and stated the original agreement signed in 2017 was never paid.
2. They now wanted \$1,000 to resolve.
3. The claims examiner searched the payment history for MH Express Pharmacy and did not locate a payment.
4. Upon further review, payment was issued to Chronic Care Inc d/b/a MH Express Pharmacy
5. You can also search by dates of service or the amount agreed upon

Transaction Date	Transaction Code:	Payee Name	Service From	Service To	Amount Current	Check Date
12/12/2017	Medical Other	Chronic Care, Inc.	4/10/2015	5/5/2016	\$800.00	12/12/2017

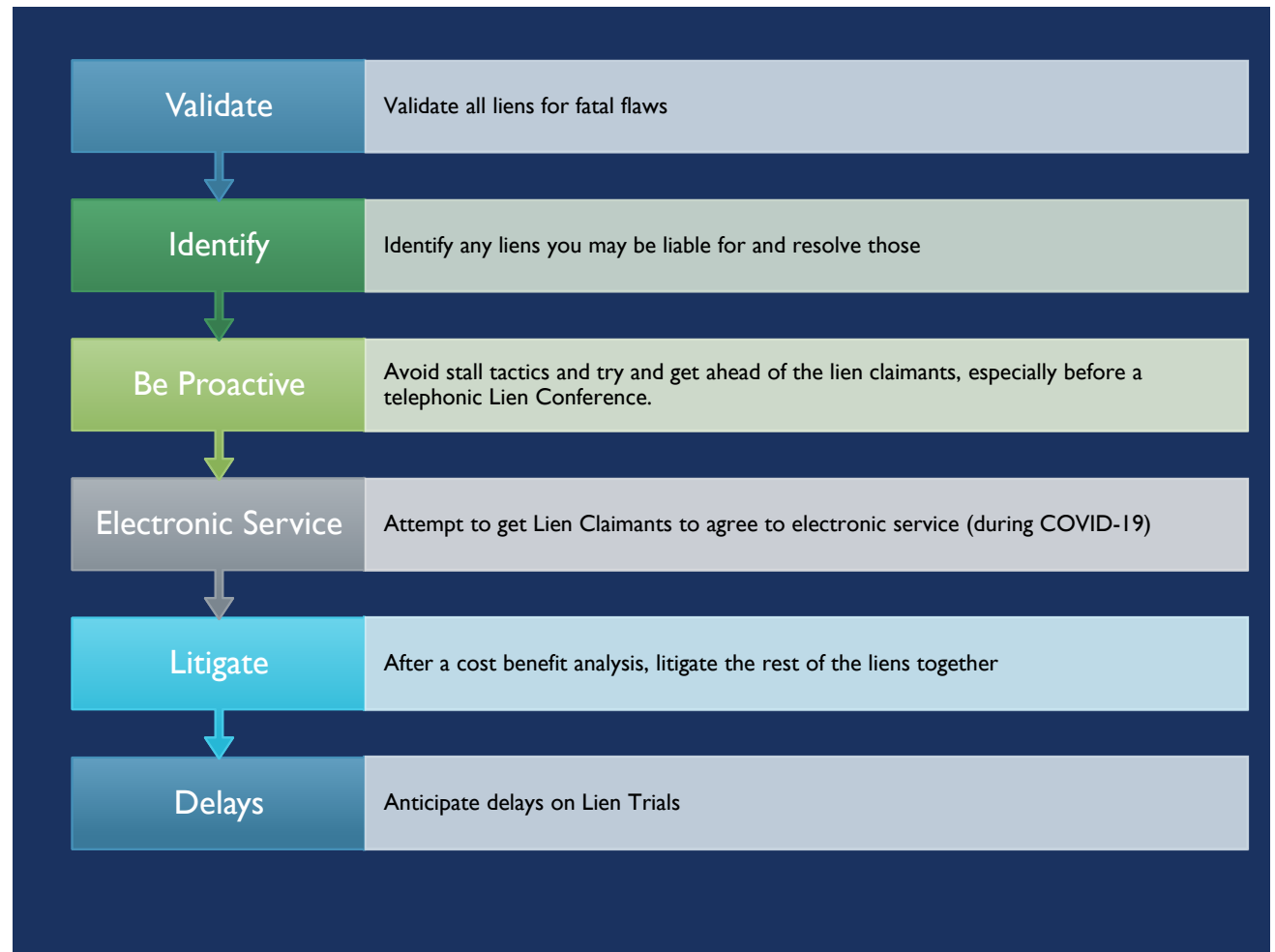
Form W-9 <small>(Rev. December 2014) Department of the Treasury Internal Revenue Service</small>	Request for Taxpayer Identification Number and Certification		<small>Give Form to the requester. Do not send to the IRS.</small>
	1 Name (as shown on your income tax return). Name is required on this line, do not leave this line blank. Chronic Care Inc		
2 Business name/disregarded entity name, if different from above: d/b/a MH Express Pharmacy			

OBSTACLES TO FILE CLOSURE

Here are a few other challenges to closing lien files we encounter on a day to day basis:

- Volume of liens decreasing but complexity of liens filed increasing
- Litigious Collection Companies that work off a % instead of reason
- Statute of Limitation – Still a Triable issue
- Fee Schedule and IBR Issues
- Difficult WCAB Locations or Judges
- **Service of Discovery - Medical Provider vs Non-Medical** Petition for Costs from Copy Services and Interpreters
- Unpaid Settled Liens (files are being re-opened) – please pay settlement confirmations timely
- Inability to proceed with Lien Trials due to COVID-19

CONCLUSION



QUESTIONS & THANK YOU



■ If you have any questions, please feel free to contact:

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