

National Lawyers Guild

Labor & Employment Committee

August 21, 2009

Governor Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

Re: SB 186 (DeSaulnier) - SUPPORT

Dear Governor Schwarzenegger:

On behalf of the National Lawyers Guild Labor & Employment Committee [L&EC], I am writing to express our strong support for Senate Bill 186 which will allow certain workers under certain limited circumstances to maintain their right to designate their personal physician to treat them if they suffer a workplace injury. We urge you to sign this bill.

Since 1937, the National Lawyers Guild has provided legal support to movements for social change, principally on a volunteer basis. The Labor & Employment Committee focuses on struggles for economic and social justice. In the 1930s the Guild focused on workers' rights, supporting New Deal legislation to assist working people and the unemployed; in the 1950s the Guild defended labor leaders and others attacked for their progressive political views. Then and now, the Guild L&EC actively supports progressive labor and employment law struggles. The L&EC is comprised of several hundred labor and employment attorneys across the country.

Your 2004 reforms placed new restrictions on who could predesignate their own doctors. Currently, only workers covered by an employer-provided group health insurance plan can exercise their right to predesignate their regular physicians. These physicians must be the worker's regular physician, maintain their medical records, and agree to be predesignated. We are asking that this limited right to see your own doctor be continued.

The right to see your own doctor if you get injured on the job will sunset on December 31, 2009, unless this bill becomes law. And if this limited right is eliminated, workers will only be able to seek treatment from the *company doctor*.

A November 2005 study from the Public Policy Institute of California documents that this limited right to predesignate strikes a balance between employee and employer choice of physicians. It concludes that employer costs are no higher when workers choose a doctor they have a prior relationship with.

In addition, employee satisfaction is much higher when workers are allowed to see their own doctors. Employee satisfaction with their medical treatment helps to eliminate the frictional and litigation costs in the workers' compensation system. Currently, the Workers' Compensation Appeals Board is bottlenecked and overwhelmed with questions of what is appropriate medical treatment. Workers' comp judges shouldn't be in the situation of approving or disapproving medical care; those decisions should be left with doctors with whom workers have a trusting relationship.

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Seeing your own doctor does not increase costs in the workers' compensation system. All doctors who treat a workplace injury are paid under a set workers' compensation fee schedule. Doctors' treatment must follow the medical guidelines of the group health network.

On a final note, you and many others have supported the notion of integrated medical treatment – that injuries, whether on or off the job, should be handled in the same way. Predesignating one's own doctor provides for this integration, it costs no more than treatment by the *company doctor*, provides more satisfaction for the injured worker, and is likely to be more effective medical care because the personal physician knows the patient. It would be a shame to see it disappear.

For these reasons, we ask that you sign SB 186 into law.

Sincerely,

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