



## Covered Employee Notification of Rights Materials

Regarding

# Berkshire Hathaway Homestate Companies

Cypress Insurance Company;  
Redwood Fire & Casualty Company;  
Brookwood Insurance Company;

Oak River Insurance Company; Cornhusker Casualty  
Company; Continental Divide Insurance Company

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## BHHHC-MPN

MEDICAL PROVIDER NETWORK (“MPN”)

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

## You Are Important To Us

Keeping you well and fully employed is important to us. It is your employer’s goal to provide you employment in a safe working environment. 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 Berkshire Hathaway Homestate Companies Claims department toll free at: 1-800-339-9809.

## BHHHC-MPN - Medical Provider Network “MPN”

Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) provides workers’ compensation coverage for your employer in the event you sustain a work-related injury. Medical treatment is accessed through Prudent Buyer HCO, which utilizes Blue Cross of California’s PPO (“Blue Cross”) network. Blue Cross has contracted with doctors, hospitals and other providers to respond to the special requirements of on-the-job injuries or illnesses.

Prudent Buyer is a State of California certified Health Care Organization (“Prudent Buyer HCO”), which means that it has met all MPN access and network requirements.

## 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.

### For Emergency Care:

- In the case of emergency\* go to the nearest healthcare provider. Once your condition is stable, contact your employer.

*\*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 (ACOEM or LC§5307.27)

## How to Choose a Physician within the MPN

### Provider Directories:

- On-line Directories – if you have internet access, you may locate a participating provider near you by visiting [www.bclhwcmcs.com](http://www.bclhwcmcs.com), and clicking on the ‘Provider Finder’ tab.
- If you do not have internet access, you may request assistance locating an MPN provider or obtaining an appointment by calling (866) 700-2168.
- 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:
  - Accessing the on-line provider directories (see above)
  - Call the toll free number to locate an MPN provider: (866) 700-2168
- 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 your MPN physician to locate a specialist outside of the network, schedule an appointment and notify you of the date and time. Your MPN physician, who is your primary care physician, will continue to direct all of your medical treatment needs.

**If you are temporarily working outside of California and are injured:**

- If you are outside of California and experience work related injury or illness, notify your employer. For initial, urgent or emergency care go to the nearest healthcare provider for medical treatment.
- If you need assistance locating a physician or should the physician you select need authorization to provide care to you, call Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) at **1-800-339-9809** and we will assist you. Upon your return to California, should you require ongoing medical care, immediately contact your claims adjuster or your employer for referral to a MPN provider for continued care.

**Second and Third Opinions**

**Second Opinion:**

- If you disagree with either the diagnosis or the treatment prescribed by your MPN physician, you may obtain a second opinion within the MPN. During this process you are required to continue your treatment with an MPN physician of your choice. In order to obtain a second opinion you have some responsibilities:
  - Inform your claims adjuster of your dispute regarding your treating physician’s opinion.
  - You are to select a physician or specialist from the list of available MPN providers.
  - You are to make an appointment within 60 days.
  - You are to inform your claims adjuster of the appointment date and time.
  - You may waive your right to a second opinion if you do not make an appointment within 60 days.

**Third Opinion:**

- If you disagree with either the diagnosis or the treatment prescribed by your MPN physician, you may obtain a third

opinion within the MPN. During this process you are required to continue your treatment with a MPN physician of your choice. In order to obtain a third opinion you have some responsibilities:

- Inform your claims adjuster of your dispute regarding your treating physician’s opinion.
  - You are to select a physician or specialist from the list of available MPN providers.
  - You are to make an appointment within 60 days.
  - You are to inform your claims adjuster of the appointment date and time.
  - You may waive your right to a third opinion if you do not make an appointment within 60 days.
- At the time of selection of the physician for a third opinion, your claims examiner will notify you about the Independent Medical review process and provide you with an application for the Independent Medical Review process (see below).

**Independent Medical Review (IMR)**

**Independent Medical Review:**

If you disagree with the diagnosis or treatment provided by the third opinion physician, you may request an Independent Medical Review (IMR). An IMR is a physician identified for you by the Administrative Director (AD) with the Division of Workers’ Compensation of the State of California. To request an IMR you will be required to complete and file an application with the AD. The AD will select an IMR who has the appropriate specialty necessary to evaluate your dispute. The AD will send you written notification of the name, address and phone number of the IMR.

You may choose to be seen by the IMR in person or you may request that the IMR only review your medical records. Whichever you choose, you will be required to contact the IMR for an appointment or to arrange for a medical record review. Your IMR should see you within 30 days from your request for an appointment. The IMR will send his/her report to the AD for review and a determination will be made regarding the dispute.

**Continuity of Care Policy**

Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) will, at the request of a covered injured employee, provide for the completion of treatment by a *terminated MPN physician* or provider in accordance with LC§ 5307.27 and the adopted medical treatment guidelines.

The completion of treatment will be provided by a terminated provider to a covered injured employee who, at the time of the contract’s termination, was receiving services from that provider for one of the conditions described below, unless the provider was terminated or non-renewed for reasons related to disciplinary cause or reason, as defined in paragraph (6) of subdivision (a) of *Section 805 of the Business and Professions code*, of fraud or other criminal activity.

(A) ***An acute condition.*** An acute condition is a medical condition that involves a sudden onset of symptoms due to an illness, injury, or other medical problem that requires prompt medical attention and that has a limited duration. Completion of treatment shall be provided for the duration of the acute condition.

(B) ***A serious chronic condition.*** A serious chronic condition is a medical condition due to a disease, illness, or other medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over an extended period of time or requires ongoing treatment to maintain remission or prevent deterioration. Completion of treatment shall be provided for a period of time necessary to complete a course of treatment and to arrange for a safe transfer to another provider, as determined by the insurer or employer in consultation with the injured employee and the terminated provider and consistent with good professional practice. Completion of treatment under this paragraph shall not exceed 12 months from the contract termination date.

(C) ***A terminal illness.*** A terminal illness is an incurable or irreversible condition that has a high probability of causing death within one year or less. Completion of treatment shall be provided for the duration of a terminal illness.

(D) ***Performance of a surgery or other procedure*** that is authorized by the insurer or employer as part of a documented course of treatment and has been recommended and documented by the provider to occur within 180 days of the contract’s termination date.

**Transfer of Care Policy**

For injured covered employees who are being treated outside of the MPN for an occupational injury or illness that occurred prior to the effective date of MPN, Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) will provide for the completion of treatment as noted below.

(A) If the injured covered employee is being treated by a

physician or provider prior to the implementation of the MPN and the injured covered employee's physician or provider **becomes** a contracted provider within the MPN, the injured covered employee shall be notified that his/her treatment is being provided under the provisions of the MPN.

(B) Injured covered employees who are being treated by a physician or provider outside of the MPN for an occupational injury or illness that occurred prior to the effective date of the MPN, including injured covered employees who pre-designated a physician and do not fall within LC§4600(d), will continue to be treated outside the MPN for the following conditions:

I. ***An acute condition.*** Is a medical condition that involves a sudden onset of symptoms due to an illness, injury, or other medical problem that requires prompt medical attention and that has a duration of not more than 30 days. Completion of treatment shall be provided for the duration of the acute condition.

II. ***A serious chronic condition.*** A serious chronic condition is a medical condition due to a disease, illness, catastrophic injury, or other medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over 90 days and requires ongoing treatment to maintain remission or prevent deterioration. Completion of treatment will be provided for a period of time, up to one year, necessary to complete a course of treatment approved by Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) and to arrange for transfer to another provider within the MPN, as determined by Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.). The one-year period for completion of treatment starts from the date of determination that an injured employee has a serious chronic condition as defined.

III. ***A terminal illness.*** A terminal illness is an incurable or irreversible condition that has a high probability of causing death within one year or less. Completion of treatment shall be provided for the duration of a terminal illness.

IV. ***Performance of a surgery or other procedure*** that is authorized by Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) as a part of a documented course of treatment and has been recommended and documented by the provider to occur within 180 days from the MPN coverage effective date.

Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) may make a determination whether an injured covered employee's treatment should be transferred to a physician within the MPN if the above conditions are not met. All transfer of care determinations will be in writing and will be sent to the injured covered employee's residence and a copy of the letter shall be sent to the injured covered employee's primary treating physician.

If the injured covered employee disputes a transfer determination made by Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.), he/she must request a report from their primary treating physician that addresses whether the injured covered employee falls within any of the conditions set forth in (B) I through (B) IV.

- 1) If the treating physician **agrees** with the determination made by Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) that the injured covered employee's medical condition does not meet the conditions set forth in (B) I through (B) IV, the transfer of care shall go forward during the dispute resolution process.
- 2) If the treating physician **does not agree** with the determination made by Berkshire Hathaway Homestate Companies (Cypress Insurance Co.; Oak River Insurance Co.; Redwood Fire & Casualty Co.) that the injured covered employee's medical condition does not meet the conditions set forth in I through IV, the transfer of care shall not go forward until the dispute is resolved.

Disputes regarding the medical determination made by the treating physician concerning the transfer of care shall be resolved pursuant to LC§4062.