

Re: What to tell people to broadcast

From: Robert Weinmann (rlweinmann@yahoo.com)

To: stella.legarda@att.net

Cc: neuromom@icloud.com; rgyoungmd.cns@gmail.com; sjholtz182@yahoo.com; scattolica@scadvocates.com; sharonyegiaian@yahoo.com

Date: Wednesday, October 20, 2021, 01:04 PM PDT

Johanna asked for a paragraph or short statement re Duty of Care to return to Gilbert. The idea is to write some of the legislative language that CNS wants in the finished Duty of Care legislation.

So here you are ...

"Utilization Review physicians shall be subject to the same Duty of Care laws and requirements that are applied to treating physicians. Utilization Review physicians shall be licensed in the state or states wherein they render decisions and shall be subject to the medical boards of those states."

These recommendations were included in previous editorials and remain available for reference.

The San Francisco Chronicle op ed from 2008 offered a legislative solution that didn't pass.

- "UR Physicians Do Not Owe Injured Workers Duty of Care" -- Workcompcentral, 09/18/2018,
- "Duty of Care vs. Utilization Review," Workcompcentral, 10/30/18,
- "Utilization Review Physicians Do Not Owe Injured Workers Duty of Care, The Weinmann Report, <http://www.politicsofhealthcare.com>, 08/26/18
- "Ten Years Ago: out-of-state evaluators questioned," page 200, 46 CWCR
- "Utilization Review Physicians May Owe Duty of Care to Applicants," Mullen & Filippi, re King vs. Comp Partners, Inc., (2016) 243 Cal. App. 4th 685
- "How to Practice Medicine without a license," San Francisco Chronicle," by undersigned, 08/29/08.

P.S.

This piece is being made available for Sharon Y to use or not on the CNS website per her judgment.

Robert L. Weinmann, MD
-- president, CA Neurology Soc (CNS)
-- chair, CNS Legislative Cmte

On Wednesday, October 20, 2021, 11:38:30 AM PDT, Robert Weinmann <rlweinmann@yahoo.com> wrote:

If we start with California state stuff and are successful we'll have a track record with which to go National. How does that sound? -- bob weinmann

On Tuesday, October 19, 2021, 10:53:30 PM PDT, Stella Legarda <stella.legarda@att.net> wrote:

How about repealing some Stark Laws lol

On Oct 19, 2021, at 7:14 PM, Robert Weinmann <rlweinmann@yahoo.com> wrote:

No, one doesn't first have to repeal pre-existing legislation -- that's not how it's done although so doing isn't a bad idea! - bob

On Tuesday, October 19, 2021, 07:09:19 PM PDT, Steve Cattolica <scattolica@scadvocates.com> wrote:

----- Forwarded message -----

From: **Steve Cattolica** <scattolica@scadvocates.com>

Date: Mon, Oct 18, 2021 at 5:58 PM

Subject: Re: What to tell people to broadcast
To: Johanna Rosenthal <neuromom@icloud.com>

If you go back to read the Supreme Court justice's opinions, he points out where the flaw lies.

A highlighted version is attached. While not the only statute, two are cited in the opinion, Labor Code Section 4610 and B&P Code 2221.

Steve

On Mon, Oct 18, 2021 at 2:14 PM Johanna Rosenthal <neuromom@icloud.com> wrote:

What existing statute has to be amended?

Sent from my iPhone

On Oct 18, 2021, at 7:46 AM, Steve Cattolica <scattolica@scadvocates.com> wrote:

A bill that will address the duty of care will amend existing statute. There is no existing legislation proposed to address the issue.

Steve

On Sun, Oct 17, 2021 at 6:05 PM Johanna Rosenthal <neuromom@icloud.com> wrote:

Is there a first piece of legislation or a second piece of legislation that is a barrier and has to be knocked down before Duty of Care can move ahead

Try to think of the one most important obstacle

And we can start going after it

Sent from my iPhone