



## Kriss Worthington

Councilmember, City of Berkeley District 7

2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

PHONE 510-981-7170 FAX 510-981-7177 [kworthington@ci.berkeley.ca.us](mailto:kworthington@ci.berkeley.ca.us)

### CONSENT CALENDAR

July 25, 2006

To: Honorable Mayor and Members of the City Council

From: Councilmembers Kriss Worthington and Darryl Moore

Subject: Support AB2068: Workers Right to Continue Physician Predesignation

#### RECOMMENDATION:

That the Berkeley City Council supports Assembly Bill 2068, which would allow an employee be treated by a physician of his or her choice and at a facility of his or her choice, within a reasonable geographic area, beginning 30 days after a job-related injury, unless the employer's insurer has established a medical provider network.

#### BACKGROUND:

*From Assemblymember Pedro Nava (More information can be found at <http://leginfo.ca.gov/bilinfo.html>) :*  
This bill amends the law providing employees the right to be treated by their personal physician for job related injuries or illnesses by broadening the definition of personal physician as a corporation, partnership, or association of licensed physicians and eliminating the April 30, 2007 repeal date of the existing law and the 7% ceiling on the maximum percentage of employees in the state that may avail themselves of this law.

- 1) Repeals the April 30, 2007 sunset date on an employee's right to be treated by his or her personal physician.
- 2) Deletes the 7% limit as the maximum percentage of employees that may pre-designate their personal physician.
- 3) Provides that a personal physician includes a corporation, partnership, or association of licensed doctors of medicine or osteopathy.
- 4) Requires the physician to agree to be the primary treating physician for the industrial injury and provides that the physician's agreement to be the primary treating physician may be evidenced by the timely submission of reports required of the primary treating physician pursuant to regulations adopted by the Administrator Director of the Division of Workers' Compensation.

According to a recent study by the Public Policy Institute of California (November 2005), predesignation has no effect on employer costs, while employee satisfaction is higher. By allowing employees the right to choose a prior provider, patients are often treated by a physician who may be more familiar with the individual's needs. AB2068 will remove a previous sunset to the predesignation law passed in the State Senate. It will be able to preserve a balance between employee and employer choice, without causing additional financial costs for either party.

## Support

California Labor Federation, AFL-CIO (Sponsor)  
AFSCME  
AFT Coast Federation of Teachers, Local 1911  
AFT College Staff Guild, Los Angeles, Local 1521A  
AFT, Peralta Federation of Teachers, Local 1603  
Alameda Central Labor Council  
America- Region 5: Fremont  
American Federation of Musicians - Musicians Union Local 6  
American Federation of State, County, and Municipal Employees, AFL-CIO  
American Federation of Television and Radio Artists  
Art Directors Guild and Scenic, Title and Graphic Artists  
Association for Los Angeles Deputy Sheriffs, INC  
Association of Flight Attendants - CWA, United Airlines Council 12-Los Angeles  
Berkeley Fire Fighters Association  
Building and Construction Trades Council - Napa-Solano Counties  
California Applicants' Attorneys Association  
California Association of Psychiatric Technicians  
California Conference Board of the Amalgamated Transit Union  
California Conference of Machinists  
California Medical Association  
California Professional Firefighters  
California School Employees Association  
California State Employees Association  
Communications Workers of America Local 9000, Los Angeles  
Communications Workers of America Local 9404, San Rafael  
Communications Workers of America Local 9423, District I and II: Santa Clara, San Mateo, Santa Cruz, San Benito, Monterey, and San Luis Obispo Counties  
Contra Costa Building and Construction Trades Council  
Costume Designers Guild  
Distillery, Wine & Allied Workers Division  
Engineers and Scientists of California  
Independent Employees of Merced County (IEMC)  
International Association of Firefighters  
International Association of Machinists and Aerospace Workers, District Lodge 72  
International Brotherhood of Electrical Workers Local 551, Marin, Sonoma, Mendocino, Lake, Humboldt and Del Norte Counties  
International Brotherhood of Electrical Workers Local Union 441  
International Brotherhood of Electrical Workers Local Union 6  
International Longshoremen's & Warehousemen's Union,  
Warehouse Union Local 6  
International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, Region 5  
Iron Workers Local #378, Benecia  
Lawndale Federation of Classified Employees - Local 4529  
Long Beach Fire Fighters, Local 372  
Los Angeles County Probation Officers Union, Local 685  
Los Angeles Police Protective League  
Northern California District Council of the International Longshore and Warehouse Union (ILWU)  
Operative Plasterers', Cement Masons' and Shop Hands' International Association, AFL-CIO,  
Plasterers' Local No. 200, Pomona  
Organization of SMUD Employees (OSE)  
Plumbers and Pipefitters Local Union 230, San Diego  
Professional and Technical Engineers, Local 21  
Riverside Sheriffs' Association  
San Bernardino Public Employees Association  
San Diego Bus Drivers Union, Local 1309  
San Luis Obispo County Employees Association (SLOCEA)  
Santa Rosa City Employees Association (SRCEA)  
Service Employees International Union (SEIU), Local 1000  
Sheet Metal Worker's Local Union #104, San Ramon  
Strategic Committee of Public Employees, Laborers' International Union of North America  
Teamsters Union Local 542, San Diego  
Teamsters Union Local 601, Cannery Workers, Processors, Warehousemen and Helpers, Stockton and Oroville  
Teamsters Union Local 683, San Diego  
Teamsters Union Local 896, Brewery Soda and Mineral Water Bottlers of California  
The International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers  
Local Union 155, Fresno  
Transport Workers Union of America, California State Conference  
Transport Workers Union of America, Local 250-A  
UNITE HERE  
UNITE HERE Local 49  
United Food and Commercial Workers International Union, Distillery, Wine & Allied Workers  
Division, Local 45D, Fresno United Food and Commercial Workers Union, Western States Council  
United Professional Fire Fighters - Contra Costa County Local 1230

## Financial Implications:

NONE

## CONTACT PERSON:

Councilmember Kriss Worthington 981-7170  
Councilmember Darryl Moore 981-7120