

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 05/16/2016
POSITION: Oppose

BILL NUMBER: AB 2086
AUTHOR: Cooley, Ken
RELATED BILLS: AB 1542 (Mathis)

BILL SUMMARY: Workers' compensation: neuropsychologists

This bill authorizes a psychologist certified in clinical neuropsychology by specified boards, or appointed as a qualified medical evaluator in neuropsychology before January 1, 2015, to perform the services of a qualified medical evaluator in the workers' compensation system. Additionally, the bill allows neuropsychologists that meet specified educational, training, and experience requirements to also be appointed as a qualified medical evaluator.

This bill contains an urgency clause to take effect immediately, requiring a two-thirds vote of the Legislature.

FISCAL SUMMARY

The Department of Industrial Relations (DIR) estimates minor and absorbable workload within its Division of Workers' Compensation to develop new regulations. DIR anticipates this bill would result in costs to the workers' compensation system due to an increase in requests for qualified medical examiner panels.

COMMENTS

The Department of Finance is opposed to this this bill because it eliminates the authority of the Administrative Director of the Division of Workers' Compensation to determine specialties within the qualified medical examiner process. We also note the Department recently amended its existing qualified medical evaluator regulations, under which a clinical neuropsychologist would continue to qualify as an appointed qualified medical examiner under the general psychology category. AB 1542 (Mathis), substantially similar to this bill, was vetoed by the Governor, citing the necessity to validate a physician's qualifications through an appropriate licensing board.

Proponents argue that neuropsychologists are trained in understanding neuro-diseases and neuro-anatomy, differentiating neuropsychologists from traditional psychologists and that they are needed to evaluate serious head and brain injuries.

ANALYSIS

1. Programmatic Analysis

Existing law generally requires employers to provide workers' compensation, including medical treatment, for injuries incurred by their employees in the course of employment. Qualified medical evaluators are physicians who are certified by the Division of Workers' Compensation - Medical Unit to examine injured workers to evaluate disability and eligibility for workers' compensation benefits. Qualified medical evaluators include medical doctors, doctors of osteopathy, doctors of chiropractic, dentists, optometrists, podiatrists, psychologists and acupuncturists. Existing law also

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Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
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ANALYSIS (continued)

provides that the requirements for a psychologist to be appointed as an evaluator include: 1) being board certified in clinical psychology by a board recognized by the Administrative Director, 2) holding a doctoral degree in psychology or a doctoral degree sufficient for licensure, and having at least 5 years of specified experience, or 3) having at least 5 years of postdoctoral experience and having previously served as a medical evaluator.

Current state law requires high school athletes suffering traumatic brain injuries and concussions to be evaluated by specially trained health care professionals. Statutes do not provide for workers suffering similar injuries to be treated and evaluated in the same way. Most health care licensing boards have never recognized separate specialties and subspecialties within their respective licensing jurisdictions. Therefore, this bill specifies criteria for the Administrative Director to appoint qualified medical evaluators in the specialty category of neuropsychology, approved by the American Board of Medical Specialties.

This bill modifies the requirements to become a qualified medical evaluator as follows:

- Provides that a medical doctor or osteopath who has successfully completed a residency or fellowship program accredited by an organization that is a predecessor to the Accreditation Council for Graduate Medical Evaluation (Council) or the American Osteopathic Association would satisfy the residency training requirement to be appointed as a qualified medical examiner.
- Deletes the requirement that the specialty accrediting board be recognized by the Administrative Director and authorizes for certification a specialty board with a program accredited by the Council or the appropriate regulatory board for an evaluator who is a medical doctor or doctor of osteopathy.
- Provides that a person who is certified in neuropsychology by specified boards or organizations, or who is a clinical psychologist licensed to practice in the state, holds a doctoral degree in psychology, has at least 2 years of specified experience and training, and has served as an agreed medical evaluator in neuropsychology on 5 or more occasions may be appointed by the Administrative Director as a qualified medical evaluator in neuropsychology.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)					Fund Code
	LA	(Dollars in Thousands)					
	CO	PROP					
	RV	98	FC	2016-2017 FC	2017-2018 FC	2018-2019	
7350/DIR	SO	No		-----	No/Minor Fiscal Impact	-----	0223
<u>Fund Code</u>	<u>Title</u>						
0223	Workers Comp Administration Revolv Fund						