

Practicing Under the Basic Crafts ADR

The Basic Crafts Program essentially keeps the substantive law found in the California Labor Code and its interpretive case law and modifies the dispute resolution or procedural aspects to construct a mediation and arbitration process to replace the MSC and trial process that is found in the state system.

In order to initially toll the statute of limitations in a case, we recognize the DWC 1 state Claim form and it should be filed with the employer. There is no need to file an Application of Adjudication of Claim with the Basic Crafts or with the Workers' Compensation Appeals Board. A copy of the Claim form, in addition to being served on the carrier, should also be served on the Basic Crafts program with a cover letter advising the program that you will be representing the injured worker/applicant.

Time Limits to be Noted:

Once this is accomplished, several time limitations that exist under the Basic Crafts Addendum that do not exist under the state system should be watched. They are:

1. Under Article VII, Section B, Subsection 3, when the carrier denies, reduces, or terminates compensation the carrier is obliged to notify you within 15 days, and to summarize the reasons for the action.
2. When you receive a notice of denial, reduction or termination of compensation, you have 30 days to contact the carrier and attempt to resolve the issue or issues.
3. If the issue(s) cannot be resolved, within 30 days of receiving the carrier's final response, a Workers' Compensation Grievance must be filed with the Basic Crafts program. Once a grievance is filed, the program will start an informal conciliation process.
4. If an agreement is not reached through informal conciliation, either party may proceed to Arbitration by filing the Request for Arbitration form with the Program and a Panel list will be sent. Arbitration will not be immediately set. Rather, when either party is ready to proceed, a Declaration of Readiness to Arbitrate will be filed and the program will schedule Arbitration proceeding as soon as possible, while allowing the parties time to prepare.
5. The Arbitrator is required to issue a decision within 30 days of the Arbitration proceeding, assuming that the matter has been fully heard and submitted for decision.

6. Either party, or both, may file a Petition for Reconsideration or Petition for Removal, as would be allowed in the state system with the same deadlines, but must be sent directly to the San Francisco Appeals Board with copies to the Basic Crafts Program.

Where questions exist regarding the process to be followed, the Basic Craft's Ombudsman may be contacted. If the parties are facing a problem that requires a status conference, this may be requested by phone, email or letter to the Ombudsman.

Medical Treatment:

Injured Employees covered under the program, must be treated by physicians found on the Exclusive Medical Provider List or within the carriers' MPN. Of course, if emergency care is required by a physician not on the Exclusive List or carrier's MPN, the emergency treatment will be reimbursed, but when the employee is stable, treatment must be transferred to a physician on the Exclusive List or carrier's MPN thereafter.

The Basic Crafts' Exclusive Medical Provider List consists of Northern California physicians covered by:

1. The Blue Cross PPO
2. The Health Net PPO
3. Kaiser Permanente On the Job, or
4. Where appropriate medical services from a physician on the list are unavailable due to geography, the Qualified Medical Examiner list of the Division of Worker's Compensation can be used in an emergency.

The Exclusive List of Medical Providers can be accessed on the Basic Crafts Website, which is www.basiccrafts.org.

Injured employees under the Basic Crafts Program will be allowed to change treating physicians as long as the change is made to another physician covered by the Exclusive List or within the carrier's MPN. This right, however, is subject to the limitation that change cannot be made after the treating physician of record (PTP) has released the employee from care, unless the same PTP later indicates that more treatment is required, or this issue is resolved through the Basic Crafts medical legal QME/AME process.

The treatment of injured workers is subject to various restrictions imposed by Labor Code section 4600, et seq. These restrictions include the requirement that treatment be consistent with scientific and evidence based treatment guidelines, the strict limitations on chiropractic and physical therapy visits, and the right to submit disputed prescriptions for treatment to a utilization review process.

There is no IMR within the Basic Crafts Program.

Medical-Legal Evaluations:

Covered employees must be evaluated where medical disputes arise, only by physicians found on the DIR's Exclusive List of Medical Evaluators or the Qualified Medical Examiner list found on the DIR DWC Website. Injured workers who are represented are allowed to have an Agreed Medical Evaluation upon agreement by the parties.

For Program Questions, please contact:**Arthur Scears, Esq.**

Assistant Director/Ombudsman

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The Basic Crafts ADR Addendum, the Rules of Practice and Procedure, the Exclusive Medical Provider list and All Forms can be accessed through our website:

www.basiccrafts.org.