

Trovillion, Inveiss & Demakis

Trovillion, Inveiss & Demakis, APC has grown in reputation as one of Southern California's premier law firms specializing in representation of employers, insurance carriers and third party administrators in workers' compensation litigation.

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APRIL 2018

TID ATTORNEYS FEATURED SPEAKERS AT CONFERENCE

Attorneys Roxanne Nurse and Matt McLaughlin will be the presenters on Day 1 of a course offered to sworn and civilian police personnel on April 24, 2018 at the Volare Resort in San Clemente. Roxanne and Matt will be educating attendees on the workers' compensation process in an effort to assist them in managing issues in the workplace. They will feature recent cases to showcase the process of resolving job related injuries. The day long conference is certified by the State Commission on Peace Offices Standards and Training (POST) and is sponsored by PMW Associates.

NEW PROPOSED INTERPRETER FEE SCHEDULE ELIMINATES "MARKET RATE"

The California Division of Workers' Compensation has proposed a new, uniform fee schedule for interpreter fees, based on the federal courts. The proposed fee schedule, introduced on April 2, 2018, suggests new billing codes and rates to be used for computing billing for interpreter services. It will be contained in Section 9937 of the California Code of Regulations, Title 8, under Article 11 for Fees and Requirements for Interpreter Services.

According to the new proposal, services provided by certified interpreters are distinguished from those provided by provisionally certified interpreters. Certified interpreters may bill for a maximum fee of \$225.00 per half-day of interpreting and \$448.00 for full day services at the Workers' Compensation Appeals Board. Each additional half-day hearing would warrant a charge of \$191.25, while an additional full-day hearing would warrant \$336.00.

Provisionally certified interpreters, on the other hand, would be paid a maximum of \$141.00 for a half-day of interpreting and \$232.00 for a full day. Additional hearings would warrant payment of \$105.75 for a half-day of interpreting and \$174.00 for a full day in the same time division. The Division of Workers' Compensation has emphasized the reduction for provisionally certified interpreters as means by which to encourage the use of certified interpreters.

Roxanne is in TID's San Diego office and can be connected at

RNurse@TIDlaw.com. Matt is located in the firm's Orange County office and can be contacted at MMcLaughlin@TIDlaw.com

Please contact Roxanne or Matt for further information or future training.

SAN DIEGO ATTORNEYS TO SPEAK ABOUT COMBATING FRAUD

Attorneys Nicole Demakis and Roxanne Nurse will be speaking on April 19th to the Public Agencies Self Insurance Program Members of San Diego County alongside Dominic Dugo, Chief Deputy District Attorney of the San Diego County District Attorney's office. The presentation will cover topics on workers' compensation fraud and how to combat it in the context of public agency work, focusing on police and firefighters.

Please contact either Nicki or Roxanne for more information.

California Code of Regulations section 9795.1.6 provides the definitions of "certified" versus "provisionally certified" interpreters. Certified interpreters must be listed on the State Personnel Board web page or the California Courts website. Alternatively, they may be certified for medical treatment appointments or medical legal exams through additional certification, such as passing the Certification Commission for Healthcare Interpreters exam or passing the National Board of Certification for Medical Interpreters exam.

The Department of Industrial Relations has clarified that provisionally certified interpreters, having been deemed qualified to provide interpreter services, may be utilized when a certified interpreter is not available. This may be done either (A) by agreement of the parties, or (B) based on a finding by the workers' compensation administrative law judge conducting a hearing that the interpreter is qualified to interpret at the hearing, or by the arbitrator conducting the arbitration that the interpreter is qualified to interpret at the arbitration. The finding of the judge or arbitrator and the basis for the finding must be set forth in the record of proceedings.

These rates would also be applicable to arbitration, Information and Assistance hearings, and depositions. Any disputes regarding the new billing codes and rates would be resolved by independent bill review.

The new proposed rates may provide some much needed clarification to the current regulations, which reference "market rates," a concept which has often led to ambiguous interpretation. Additionally, the proposal includes more detailed requirements regarding invoice information and billing codes and the credentialing identification for interpreters. New regulations will also mandate that the requesting party maintain detailed accounts of the efforts made to obtain the interpreter.

There has been criticism of the proposal, such as the new one-hour minimum for medical treatment appointments, which would replace the industry standard of a two-hour minimum fee. The reduction may be less appealing to interpreters.

Comments may be made regarding the new proposal through Friday, April 13, 2018. The text of the draft regulations may be accessed through the Department of Industrial Relations website located

at <http://www.dir.ca.gov/dwc/DWCWCABForum/Interpreter.htm>



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