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**WORKERS' COMPENSATION APPEALS BOARD**  
**STATE OF CALIFORNIA**

**FAUSTO VALIENTE,**

*Applicant,*

vs.

**CUSTOM FURNITURE & CABINETS INC.;**  
**AMERICAN ALL RISK LOSS,**

*Defendants.*

**Case No. ADJ7271105**  
**(Long Beach District Office)**

**OPINION AND ORDER**  
**GRANTING PETITION FOR**  
**REMOVAL AND DECISION**  
**AFTER REMOVAL**

Defendant has filed a timely, verified Petition for Removal, requesting that the Appeals Board rescind the Order dated January 17, 2013, wherein the workers' compensation administrative law judge (WCJ) ordered this matter off calendar, stating: "Defer issues of service of medicals; petition is needed. Both need to meet-confer to try to resolve dispute." Petitioner contends that the case should have been continued to lien trial because lien claimant Joyce Altman Interpreters (LC) had declared under penalty of perjury in its Declaration of Readiness to Proceed (DOR) dated November 16, 2012, that it had completed discovery; that LC should have filed a petition pursuant to Labor Code section 4903.6(d)<sup>1</sup> prior to the lien conference on January 17, 2013; and that the WCJ should have ruled on LC's discovery request at the conference. LC has not filed an answer.

Applicant's case was dismissed by Order Dismissing Case dated November 8, 2012. On November 16, 2012, LC filed a DOR requesting a lien conference. The case was set for lien conference on January 17, 2013. Meanwhile, on January 1, 2013, section 4903.6(d) became operative. That section provides: "With the exception of a lien for services provided by a physician as defined in Section 3209.3, no lien claimant shall be entitled to any medical information, as defined in subdivision (g) of

<sup>1</sup> Unless otherwise specified, all statutory references are to the Labor Code.

1 Section 50.05 of the Civil Code, about an injured worker without prior written approval of the appeals  
2 board. Any order authorizing disclosure of medical information to a lien claimant other than a physician  
3 shall specify the information to be provided to the lien claimant and include a finding that such  
4 information is relevant to the proof of the matter for which the information is sought.”

5 LC, who is not a physician, did not file a petition for an order authorizing disclosure of medical  
6 information prior to the lien conference. Nonetheless, at the lien conference LC demanded service of  
7 medical records. The WCJ took the matter off calendar and deferred the issue of service of medical  
8 records pending the filing of a petition.

9 In order to obtain an order pursuant to section 4903.6(d), LC must file a petition specifying the  
10 medical information to be provided and the relevance of that information to the proof of the  
11 reasonableness and necessity of the services that are the subject of LC’s lien. Since the statute requires a  
12 written approval, the WCJ was correct to defer the issue pending the filing of a petition, assuming that  
13 defendant had indeed requested such a ruling from the bench.

14 However, the case should again be set for a lien conference, so that all outstanding liens can be  
15 resolved or set for trial. Therefore, we grant defendant’s Petition for Removal, and return this matter to  
16 the trial level to be set for lien conference. All lien claimants who remain lien claimants of record, who  
17 are not physicians, and who wish to obtain medical information, including LC, shall file petitions for  
18 authorization of disclosure of that medical information within thirty days of the date of service of this  
19 decision. The WCJ shall rule on the petitions prior to the lien conference, so that the lien claimants can  
20 get the medical information to which they are entitled. No lien claimant who has not filed a petition for  
21 authorization of disclosure of medical records shall be heard to demand service of medical records at the  
22 next lien conference.

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1 For the foregoing reasons,  
2 **IT IS ORDERED** that defendant's Petition for Removal is **GRANTED**.  
3 **IT IS FURTHER ORDERED**, as the Decision After Removal of the Workers' Compensation  
4 Appeals Board, that the Order dated January 17, 2013, is **RESCINDED**.

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