



# Report: 90% of San Bernardino Attack Victims' Treatment Requests Approved

**Friday, March 3, 2017**

Ninety percent of treatment requests submitted by survivors of the 2015 terrorist attack in San Bernardino have been approved, the California Division of Workers' Compensation found in a review of how the county has handled those claims.

George Parisotto, the DWC's acting administrative director, wrote a letter to Department of Industrial Relations Director Christine Baker on Feb. 23 summarizing the findings. San Bernardino County announced the review on Wednesday in a statement that attached the letter and report.

The documents defend San Bernardino County's use of utilization review on survivors' treatment requests. Claims administrators would no longer be able to send such requests to utilization review come 2018 if [Assembly Bill 44](#) passes. The bill, by Assemblywoman Eloise Gomez Reyes, D-San Bernardino, would exempt from utilization review treatment requests made by survivors of workplace violence.

The documents also attribute a "significant number" of treatment delays on providers' "failure to provide an adequate clinical rationale or appropriate documentation to justify requests."

"A lack of adequate information would have rendered the county unable to approve a treatment in a timely manner," the county wrote in its statement.



**Alan Gurvey, an applicants' attorney representing several survivors in claims against the county, said that providing specific guidelines on how to fill out workers' compensation forms could help doctors who aren't familiar with the process.**

**"We would love the doctors to provide well-worded requests for treatment, but a lot of these people are treating with doctors that don't usually do workers' compensation," Gurvey said. "A lot of them are treating at Loma Linda, where they have been treating since the shooting occurred."**

Loma Linda University Medical Center, a teaching hospital and Level 1 trauma center in San Bernardino County, does not generally work with workers' compensation patients.

Gurvey said the nurse case managers San Bernardino County hired in December to assist the attack victims with their claims have been able to help doctors write their requests more appropriately.

**In that way, the nurse case managers have improved matters for his clients. They have been "on top of things," Gurvey said, and "for the most part, things have been better" since they were hired.**

But the tone of the county's statement announcing that treatment denials were the exception, not the rule, rankled him.

**"I guess what bothers me is when there are these far-reaching and overriding pronouncements that everything is great. I don't mind that, but I don't know why they have to do this," he said. "There are still a lot of problems. There are problems we see every day that need to be addressed — for the victims and for other workers that may not have been subject to terrorist shootings."**

He pointed to a treatment denial one of his clients received on Feb. 13. (The report counted only treatment decisions issued before Jan. 20.) His client's psychologist had recommended a medical evaluation to assess stress-related tightness in her neck and back, but the treatment request was denied without being sent to UR because "the employer is disputing liability for this issue," the decision letter read.

**"There's a lot of media attention for the good things that have happened, which, there are many, but they are still covering up a lot of ridiculous and shameful denials for these people," Gurvey said.**

Of the 2,146 requests for treatment made by providers serving the 58 people with claims related to the Inland Regional Center attack, 2,000 were approved, the DWC found. Claimants appealed 68 of the 144 denials, and only nine denials were overturned on appeal.

The fact that certain denials that were overturned "suggests that better communication by providers to the county's claims administrators, and better documentation at the time requests were first submitted, might have reduced the number of UR denials and independent medical review requests," the report states.

In the immediate aftermath of the shooting, which killed 14 and seriously injured 22, the county routinely approved nearly all requests for treatment, the report said. That practice continued until mid-April of 2016, "by which time a substantial volume of medical reports had been accumulated for many of the survivors with serious injuries." At this point, the county began submitting more requests through UR.

Of the 825 UR decisions made, 606 were approved and 73 were "modified approved." Two had an unspecified result and 144 were denied.

The county, which self-insures, has paid more than \$4 million in benefits and medical care to the survivors of the terror attack so far. It has set aside nearly \$22 million for continuing and future costs.

Survivors are also eligible to receive money from the California Victim Compensation Board and "other special funds" set up by agencies and local charities to aid victims, the report said.

Parisotto wrote in his letter to Baker that hiring nurse case managers to help "facilitate the presentation of treatment requests in a way that will satisfy the workers' compensation system's treatment guidelines" would be an appropriate first step to take in any future terrorism incidents.

San Bernardino County Chief Executive Officer Greg Devereaux announced last month that the county was assembling a task force to discuss issues employees had with the self-insured workers' compensation program.

County public information officer David Wert did not respond to a request for comment Thursday about the status of that task force. Reyes was not available for comment Thursday.

View the county's statement and the state's report [here](#).