

## ANOTHER INSTALLMENT IN THE *GEORGE THE BARTENDER* SERIES

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### RE: WHY DO WE ALWAYS SHOOT THE MESSENGER?

#### FROM THE LOBBY BAR AT THE HYATT:

As I finished my third martini, I was still seething over the “**non-confirmation**” of Carrie Nevins as our Administrative Director. Not even the sight of Kim, the Hyatt’s breathtakingly beautiful cocktail waitress, could raise my spirits (no pun intended).

George the Bartender, polishing a shot glass, wanted to know the source of my depression. He was somewhat concerned as he had never seen me consume three martinis in a space of fifteen minutes.

As George is not only my favorite bartender, but also an injured worker due to his carpal tunnel syndrome from the repetitive serving of martinis to me, I explained to George how “**politics**” had led to the “**non-confirmation**” of an extremely well-qualified and hard-working individual, Carrie Nevins, to be the Administrative Director of our system of workers’ compensation.

I pointed out to George that I referred to this as a “**non-confirmation**” not a defeat as the body in charge of this confirmation, the California State Senate, was not allowed to vote on Ms. Nevins’ confirmation.

It never ceases to amaze me that our system of democratic government, both federal and state, routinely utilizes the “**non-vote**” for political purposes.

Approximately one year ago, the governor appointed Ms. Nevins as Administrative Director (after serving for some time as Acting Administrative Director).

All appointments requiring Senate confirmation in this state must be acted upon within one year or the nomination fails.

Senator Peralta recently announced that a vote on Carrie’s confirmation would not be held within the one year period, thereby dooming her confirmation as Administrative Director.

Obviously, this was intended as some type of statement, but I am not sure what exactly the statement was supposed to be. My educated guess is that the “**statement**” was a vote against SB 899, which certainly comes late in the game as SB 899 was passed almost unanimously by both the Senate and the Assembly in 2004.

It would appear that the “**non-confirmation**” or “**non-vote**” was a statement that was intended to express disagreement over the new permanent disability schedule as **mandated** by the new reform law.

Carrie Nevins certainly had nothing to do with the passage of SB 899, but was the messenger. She was simply carrying out the mandate of the reform legislation in implementing rules and regulations necessary to enforce the law. As a consequence of the “**non-vote**” the governor withdrew Carrie’s nomination as Administrative Director on September 23, 2008.

Fortunately for our industry, Carrie now serves in the capacity of Deputy Administrative Director, and will continue

her important and exhausting work in the Division of Workers' Compensation (DWC). Her goal is crafting rules and regulations implementing the reform law and enabling our system to work as it was intended; for this we salute you Carrie. The record of Carrie's accomplishments speaks for itself.

Both applicant and defense attorneys had been fighting for years over the concept of a QME appointed by the Administrative Director to examine the applicant.

We derisively called the proposed system "Doc in the Box." Yours truly joined in.

Boy, was I wrong!

Carrie has helped craft a panel QME system that for the most part has been effective, efficient, timely, responsive and impartial in the resolution of disputes before the Board.

When we complained that the panel QME docs were not setting timely exams she proposed a regulation mandating that panel QME's must give us an exam within 60 days;

When we complained that we could not get a deposition date within a year Carrie mandated a 120 day limit;

When we complained that we were not getting reports in a timely manner she reminded the panel QME's that the law says reports must be issued within 30 days which means 30 days. The panel doctors, knowing that the state QME panel was the only game in town, quickly responded with timely reporting.

Talk about responsive.

In implementing rules and regulations to enforce Utilization Review, Carrie has responded to the complaints of the applicant's bar and injured workers by crafting hefty monetary penalties for those that misuse or abuse UR.

Her official title now may be Deputy Administrative Director but to everyone at the Lobby Bar Carrie Nevins *is* the Administrative Director and we salute her.

Make mine a double, George.

-Joe Truce