

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION THREE

Illinois Midwest Insurance Agency, LLC v. Workers’ Compensation
Appeals Board and Orlando Rodriguez

Illinois Midwest · No. B344044 · Decided November 10, 2025

SUMMARY

The California Court of Appeal held that the Workers’ Compensation Appeals Board lacked jurisdiction to resolve a dispute over the medical necessity of ongoing home health care after a utilization review denial. The court concluded that, for injuries and utilization review decisions governed by the post-2013 statutory scheme, disputes over medical necessity must proceed through utilization review and independent medical review, rather than an extra-statutory WCAB proceeding. The court rejected *Patterson v. The Oaks Farm* to the extent it recognized a contrary exception and annulled and remanded the WCAB decision.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Three
WRITING FOR THE COURT	Adams, J.; Edmon, P. J.; Egerton, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Three
DECIDED	November 10, 2025
DOCKET	B344044
DISPOSITION	other
PROCEDURAL POSTURE	Illinois Midwest petitioned for a writ of review of a Workers’ Compensation Appeals Board decision after reconsideration affirming a workers’ compensation judge’s order requiring continued home health care treatment.
STANDARD OF REVIEW	The court independently construed the governing statutes, while giving weight to the WCAB’s interpretation of workers’ compensation statutes unless clearly erroneous or unauthorized.
PRECEDENTIAL VALUE	published and precedential; certified for publication
PARTIES	Illinois Midwest Insurance Agency LLC v. Workers’ Compensation Appeals Board, Orlando Rodriguez

TOPICS

workers compensation administrative law judicial review of agency action statutory interpretation
appellate procedure

PRACTICE AREAS

workers compensation administrative law appellate procedure statutory interpretation

QUESTIONS PRESENTED

1. Whether the WCAB had jurisdiction to decide the medical necessity of home health care after a timely utilization review denial.
2. Whether ongoing or continual treatment previously authorized by an employer is exempt from the statutory utilization review and independent medical review procedures.
3. Whether *Patterson v. The Oaks Farm* remains valid authority for an ongoing-treatment exception after the 2013 statutory reforms.

HOLDINGS

1. The WCAB lacked jurisdiction to decide whether Rodriguez’s requested home health care was medically necessary because Labor Code section 4610.5 requires disputes over applicable utilization review decisions to be resolved through independent medical review.
2. There is no statutory ongoing-treatment exception allowing the WCAB to decide the medical necessity of subsequent treatment requests outside the utilization review and independent medical review processes.
3. *Patterson* is rejected to the extent it established a contrary rule for injuries or medical-necessity determinations arising after the 2013 reforms; it cannot authorize WCAB review of a timely utilization review denial subject to section 4610.5.

KEY QUOTATIONS

“When a request for authorization of treatment is submitted and there is a dispute over whether the requested treatment is medically necessary, that dispute must be resolved through the utilization review and independent medical review processes, rather than in an extra-statutory proceeding before the WCAB.” (1)

“The language of section 4610.5 is unambiguous and applies to Rodriguez’s November 11, 2016 injury and the September 19, 2019 utilization review denial of Dr. Lee’s request for authorization for home health care.” (14)

“The duration of treatment, and the necessity of ongoing treatment, are medical issues.” (26)

FACTUAL BACKGROUND

Orlando Rodriguez sustained significant industrial head and brain injuries in November 2016 while working as a mechanic. Beginning in September 2018, his treating physician requested home health care in six-week

increments, and Illinois Midwest approved at least eight requests, sometimes after utilization review. Illinois Midwest submitted a September 2019 request to utilization review, and a utilization review physician denied it; Rodriguez did not pursue independent medical review.

PROCEDURAL HISTORY

Rodriguez challenged a utilization review denial of a September 2019 request for six weeks of home health care by seeking an expedited hearing. The workers' compensation judge found that the WCAB had jurisdiction and awarded ongoing treatment, and the Appeals Board affirmed after reconsideration on January 3, 2025. The Court of Appeal granted Illinois Midwest's petition for a writ of review, annulled the Appeals Board's decision, and remanded.

DISPOSITION

other

REMAND INSTRUCTIONS

The decision of the Appeals Board after reconsideration is annulled, and the matter is remanded to the Appeals Board for further proceedings consistent with the opinion.

CASES CITED

- Stevens v. Workers' Comp. Appeals Bd. (2015) 241 Cal.App.4th 1074
- State Comp. Ins. Fund v. Workers' Comp. Appeals Bd. (2008) 44 Cal.4th 230
- Patterson v. The Oaks Farm (2014) 79 Cal.Comp.Cases 910
- Ramirez v. Workers' Comp. Appeals Bd. (2017) 10 Cal.App.5th 205
- Dubon v. World Restoration, Inc. (2014) 79 Cal.Comp.Cases 1298
- Allied Signal Aerospace v. Workers' Comp. Appeals Bd. (2019) 35 Cal.App.5th 1077
- DuBois v. Workers' Comp. Appeals Bd. (1993) 5 Cal.4th 382
- Larkin v. Workers' Comp. Appeals Bd. (2015) 62 Cal.4th 152
- Valdez v. Workers' Comp. Appeals Bd. (2013) 57 Cal.4th 1231
- Honeywell v. Workers' Comp. Appeals Bd. (2005) 35 Cal.4th 24
- California Teachers Assn. v. Governing Bd. of Rialto Unified School Dist. (1997) 14 Cal.4th 627
- Ralphs Grocery Co. v. Workers' Comp. Appeals Bd. (1995) 38 Cal.App.4th 820
- Coltherd v. Workers' Comp. Appeals Bd. (1990) 225 Cal.App.3d 455
- National Cement Co. v. Workers' Comp. Appeals Bd. (Rivota) (2021) 86 Cal.Comp.Cases 595
- Los Angeles County MTA v. Workers' Comp. Appeals Bd. (Burton) (2024) 89 Cal.Comp.Cases 977

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