

State of California
DIVISION OF WORKERS' COMPENSATION – MEDICAL UNIT

AME or QME Declaration of Service of Medical - Legal Report (Lab. Code § 4062.3(i))

Case Name: SOOHOO, George v SCIF, Attn: Robert Bull
(employee name) (claims administrator name, or if none employer)

Claim No.: 06380832; 06626694 **EAMS or WCAB Case No. (if any):** _____

I, Donald Phan, declare:
(Print Name)

1. I am over the age of 18 and not a party to this action.
2. My business address is: 1524 Melody Ln. #1, Fullerton, CA 92831
3. On the date shown below, I served the attached original, or a true and correct copy of the original, comprehensive medical-legal report on each person or firm named below, by placing it in a sealed envelope, addressed to the person or firm named below, and by:

- A depositing the sealed envelope with the U. S. Postal Service with the postage fully prepaid.
- B placing the sealed envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U. S. Postal Service in a sealed envelope with postage fully prepaid.
- C placing the sealed envelope for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- D placing the sealed envelope for pick up by a professional messenger service for service. *(Messenger must return to you a completed declaration of personal service.)*
- E personally delivering the sealed envelope to the person or firm named below at the address shown below.

Means of service:
(For each addressee,
enter A – E as appropriate)

Date Served:

Addressee and Address Shown on Envelope:

A

3/4/22

SCIF, Attn: Robert Bull
P.O. Box 65005, Fresno, CA 93650

A

3/4/22

Natalia Foley, Esq.
751 S. Weir Canyon Rd. #157-455, Anaheim, CA 92808


A

3/4/22

Philip Cohen, Esq.
1550 Hotel Cir N. #170, San Diego, CA 92108

A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: 3/4/22


(signature of declarant)

Donald Phan
(print name)

Qualified Medical Evaluator
Agreed Medical Evaluator
Clinical Psychology
Serving Southern California
310-596-6334 | www.lawrenceledesmaphd.com

Lawrence Ledesma, Ph.D.



PANEL QUALIFIED MEDICAL EXAMINER'S SUPPLEMENTAL REPORT IN PSYCHOLOGY

March 3, 2022

RE: SOOHOO, George
SS #: 562-78-4407
DOB: November 28, 1953
CLAIM #: 06380832; 06626694
D/I: 08/01/2015 – 07/06/2018; 01/01/2015 – 06/10/2021
D/E: March 3, 2022
EMPLOYER: California Institution for Men

To Whom It May Concern:

This updated supplemental report is being conducted at the request of Mr. Robert E. Bull of the State Compensation Insurance Fund. This evaluator received a letter from Mr. Bull dated December 20, 2021, requesting a supplemental report be conducted based upon the attainment of additional records provided by the same. This supplemental evaluation is thus based on the review of the original records, this evaluator's QME report dated

October 11, 2021, and the additional records provided by Mr. Bull of the State Compensation Insurance Fund.

This psychiatric report is confidential and privileged. Some applicants and family members may tend to misunderstand and distort the information enclosed in this report. This may result in significant psychological distress to the applicant or may interfere with the treatment and eventual recovery from illness.

For individuals with self-destructive or assaultive tendencies, the consequences of ill-considered disclosure of this report may be serious. This report is meant for the use of qualified professionals only, and those with the need to know by operation of law. Persons breaching the confidential nature of this report assume the risk and liability of doing so.

At the onset of the examination, it was explained to the applicant that this report was not confidential and that the information obtained and findings, as well as diagnosis and report completed by the examining physician would be shared with insurance company and all other parties involved in this matter. Applicant expressed understanding and agreed.

BILLING STATEMENT:

ML-203-95-96

Supplemental Medical-Legal Evaluation

This report falls under the billing guidelines for Medical-Legal reporting as revised by the Administrative Director for implementation effective April 1, 2021, as specified in Title 8. Industrial Relations Division 1. Department of Industrial Relations Chapter 4.5. Division of Workers' Compensation Subchapter 1. Administrative Director - Administrative Rules Article 5.6. Medical-Legal Expenses and Comprehensive Medical-Legal Evaluations Sections 9793-9795.

Section 9795 amends the medical-legal fee schedule for Workers' Compensation and designates fees for billing medical-legal evaluations under code ML-203. "The fee includes services for writing a report after receiving a request for a supplemental report from a party to the action or receiving records that were not available at the time of the initial or follow-up comprehensive medical-legal evaluation. Fees will not be allowed under this section for supplemental reports: (1) following the physician's review of information which was available in the physician's office for review or was included in the

medical record provided to the physician prior to preparing a comprehensive medical-legal report or a follow-up medical-legal report; or (2) addressing an issue that was requested by a party to the action to be addressed in a prior comprehensive medical-legal evaluation, a prior follow-up medical-legal evaluation, or a prior supplemental medical-legal evaluation. Failure to issue a supplemental report upon request because of an inability to bill for the report under this code would constitute grounds for discipline by the Administrative Director or his or her designee. The fee includes review of 50 pages of records. Review of records in excess of 50 pages that were received as part of the request for the supplemental report shall be reimbursed at the rate of \$3.00 per page. When billing under this code, the physician shall include in the report a verification under penalty of perjury of the total number of pages of records reviewed by the physician as part of the supplemental medical-legal evaluation and preparation of the report.”

ML-203 -95-96 Supplemental Medical-Legal Evaluation (2.0 modifier of \$650 base rate)	\$1,300.00
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ML-PRR - Record Review of 37 pages (\$3.00 per page in excess of the 50 pages included in the ML-203 code)	\$00.00
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Total:	\$1,300.00
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I verify under penalty of perjury the total number of pages of records reviewed as part of the medical-legal evaluation and preparation of the report is **37 pages.**

INTRODUCTION:

The original QME report was conducted on 10/11/2021, in order to determine if he has work-related psychiatric injuries. On that date I conducted a face-to-face examination with the applicant and was able to review medical and nonmedical records provided. This supplemental evaluation was conducted at the request of Mr. Bull to address the issue of causation. The question posed by Mr. Bull is “Is Mr. Soohoo’s TTD as a result of the

psychiatric injury or is it related to the low back injury that occurred on 08/16/21 that is currently off work”.

DISCUSSION:

I have carefully reviewed all the records at my disposal including the additional records provided by Robert E. Bull from the State Compensation Insurance Fund.

As stated above, Mr. George Soohoo originally presented to my office on October 11, 2021 for a Psychological Qualified Medical Evaluation. There are two DOI's being alleged while employed at CIM. The first DOI is from 08/01/2015 to 07/06/2018. The second DOI is from 01/01/2015 to 06/10/2021. The applicant is claiming that the alleged assault and harassment suffered on those dates have resulted in psychiatric injuries. At the time of the initial QME evaluation, the applicant was unable to clarify the differences between the two DOI's.

The diagnoses for this claimant for the original QME was Posttraumatic Stress Disorder and Major Depressive disorder, single episode, severe, without psychotic features. He reported at that time being depressed, with nightmares, anxiety, bouts of crying, headaches, and intrusive thoughts regarding his time at CIM. He stated that during the last three years he has had nightmares related to his boss, Mr. Escobell. However, he also stated that he had nightmares in the past regarding being assaulted while in the military and his seeing injured and/or dead soldiers while in the military.

The following is how the applicant described in October of 2021 the injury while employed at CIM:

“He says that before the 2015 DOI he was working at the California Institute for Men. He started there in 2010. He was hired as Chief Dentist at first and was then changed to Supervising Dentist. The event that occurred that precipitated the first claim is when he alleges that he was hit by his supervisor in 2015. He was with others at the time at a Mexican restaurant having lunch for someone's last day at work. Mr. Escobell was his supervisor at the time, and he also joined them for lunch. The applicant states that during this lunch, suddenly, and for no apparent reason, Mr. Escobell backhanded him in the face. He has no clue as to why he was struck. Dr. Farooq, who was Chief Medical Officer, later came to him and say that he had spoken to Mr. Escobell and that Mr. Escobell said he would not do it again.

SOOHOO, George

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He says that even before he was hit, that it was a "hostile" environment at the worksite between Blacks and Hispanics. There were no other Asians in the Dental department and so he felt isolated in his department. He stated that he was twice accused of something, the first time lying to someone about some records and another time he was accusing of yelling at his assistant. This second action was filed by other people, not the person he allegedly yelled at. He appealed that case and won.

He believes that the stress at CIM started when the new CEO, Mr. Escobell, started and after only six months wrote him up for needing improvement in "working with patients". This was without ever seeing him personally work with staff or patients.

He said that after that he didn't trust anyone anymore and it was difficult to talk to staff regarding things at the job. He was often asked when he was going to retire or when was he going to leave or was asked how many years he had been working. He believes that was a form of age discrimination or possible harassment by his co-workers. He began to have nightmares, was depressed, he would cry a lot, get headaches, felt isolated because he couldn't talk to anyone at work about his situation. These feelings all started to occur soon after Mr. Escobell started to work there and wrote him up.

He denies ever using foul language but admits that he may raise his voice due to his hearing loss due to his military experience and utilizing dental equipment that can be extremely loud, which must be held in his hand, and so is close to his ears.

Mr. Soohoo states that a Lawrence Woodburn, Ph.D. was treating him for these incidents at CIM. He would like to see someone for his symptoms but because his claim was denied he has not been able to see anyone. He last saw Dr. Woodburn about a year ago and would like to see someone if it could be approved.

When he was asked if there are any psychiatric symptoms that would interfere with his occupational functioning he stated that if he doesn't have the support of the staff and the CEO he feels very reluctant to go back to the same place, especially if he is under the same person, Mr. Escobell. He reports that he continues to have headaches, crying bouts, gritting of his teeth, depression, nightmares, anxiety, intrusive thoughts related to CIM."

The information provided by Mr. Bull in his December 20, 2021 letter to this evaluator indicates that the applicants major point of being assaulted by Mr. Escobell and not being supported by his supervisor, Mr. Farooq, is now in question. According to the letter provided, Mr. Escobell flatly denied that he ever assaulted Mr. Soohoo. The assault in

question is the alleged assault by Mr. Escobell on Mr. Soohoo on April 21, 2017 at Mariscos Las Brisas Restaurant in Chino, California. Mr. Farooq also denied that an assault took place on that day.

The following is a brief excerpt from the interview of Mr. Escobell by Mr. Hennessey:

Patrick Hennessey: Okay. And then you placed, uh, your left hand or right hand?

Louie Escobell: I reached over, I believe it was my right hand 'cause he was – I was in the inside part of the booth, and he was on the outside aisle part of the booth. So I, I reached over with my right hand across my body and placed it on his forehead.

Patrick Hennessey: Okay. And –

Louie Escobell: And then-

Patrick Hennessey: Okay. And –

Louie Escobell: I told him that I didn't think he was running a temperature.

In this transcript according to Mr. Escobell he was only taking his temperature with the back of his hand.

The following is a brief excerpt from the interview of Mr. Farooq by Mr. Hennessey:

Patrick Hennessey: - recalled that after, uh, Dr. Soohoo made this comment about not feeling well, uh, I guess Mr. Escobell had some nursing experience or medical experience, so he, uh, reached towards, uh, Dr. Soohoo and maybe placed his hand on his forehead to check the temperature. Did that happen or what do you recall of that?

Muhammed Farooq: That happened and Louie I think gently put his, uh, hand on his forehead and said in a joking way, "Oh, I don't feel, uh I don't feel any fever. George, come on, you're fine".

Later in his statement is the following:

Muhammed Farooq: Yes. We came back and in the parking lot we stood for five, ten minutes. We were joking and laughing, and then we came back to our offices and resumed work.

Patrick Hennessy: Okay. Did George Soohoo make any request to you to go for any medical treatment that day?

Muhammed Farooq: No he did not.

Later on in his statement Mr. Farooq said he received multiple voice messages from Mr. Soohoo on the night of the alleged assault stating that he was going to file a police report but that Mr. Farooq didn't know if he ever did. Mr. Hennessy then asks him quite clearly "but did it appear in any way that, uh, Dr. George Soohoo was assaulted by Mr. Escobell at the restaurant?" To which Mr. Farooq responded that when he spoke to Mr. Soohoo he stated "George, number one, I – there was no assault. He touched your forehead very gently and he said in a joking way, 'Oh, you don't have a fever. Come on, George.'"

CONCLUSION:

Given the additional information presented above, this evaluator is deferring to the trier of fact for final determination of causation. This new information provided by Mr. Bull calls in to question the credibility of Mr. Soohoo. Additionally, Mr Soohoo did not mention during the QME evaluation that he had some hearing loss from a hand grenade exploding close to him at some time while he was in military service. This is an important bit of information that was not relayed to me by Mr. Soohoo during the QME evaluation. The hostile work environment as described by Mr. Soohoo in his initial QME evaluation is also now, for this evaluator, questionable. With respect to the alleged assault in the restaurant, Mr. Soohoo's primary witness, Mr. Farooq, appears to contradict the version of the incident in the restaurant as told by Mr. Soohoo. Additional witnesses to the alleged assault would appear to be needed. According to Mr. Soohoo's description of the assault there may be several people who may have witnessed the incident in question. Given this new information provided by Mr. Bull, that both Mr. Escobell and Mr. Farooq deny the assault, it is now difficult for me to ascertain the veracity of the other statements made to me during the initial evaluation regarding how Mr. Soohoo was treated by his fellow employees and supervisors. If the assault did indeed happen, then the description of the work environment follows as credible and his case is strengthened. If the assault did not happen, then it calls in to question the other information provided by Mr. Soohoo to this evaluator. So, given the rationale stated, at this time I cannot determine if there was indeed a work-related psychiatric injury and that is why this evaluator has deferred to the trier of fact. Subsequently, as to the question of Temporary Total Disability, this evaluator finds it impossible to decide as to what led to his time off work. Since I cannot ascertain if there truly was a psychiatric injury due to work related factors, I cannot clarify if his TDD

was due to a psychiatric injury or a low back injury or neither. With respect to any Rolda analysis that can be made, this evaluator did not have access to any employee records in advance of interviewing Mr. Soohoo which might have assisted in my questioning Mr. Soohoo as to the work environment as experienced by Mr. Soohoo. Since this evaluator cannot determine if there were actual events of employment that have caused psychiatric injury and there are no records of any events of employment constituting personnel actions related to Mr. Soohoo, a Rolda analysis cannot be stated.

PSYCHIATRIC HISTORY:

At the initial QME evaluation Mr. Soohoo stated that in 1998 he saw a psychologist after he was attacked while off duty in the military. That incident was in Hawaii while he was on leave. He says that several other soldiers thought he was a tourist and attacked him and robbed him. While the assault was in Hawaii, his psychological treatment was in San Diego. He saw the psychologist for about a dozen times and says he had some improvement. This was in 1998 or 1999. He says that he was given a diagnosis of Posttraumatic Stress Disorder at the time of his treatment. According to Mr. Soohoo, the nightmares of the assault continue to this day.

Since the DOI he reported various interactions with psychologists and psychiatrists. He saw a Lawrence Woodburn, Ph.D. from 2017 until 2019. His psychiatrist was a Shawn Chung, MD.

Additional records from any mental health professional would be extremely helpful going forward.

PAST MEDICAL HISTORY:

The applicant stated in the previous QME evaluation that he has kidney cancer. He stated that his kidney cancer has metastasized to his lungs. He would be starting therapy for these medical issues in the next few weeks. He has had right kidney surgery in which his right kidney was removed due to cancer. This was in 2019.

He also reported an 80% loss of hearing in left ear and 30% in his right due "to his profession". He says that the equipment he uses is loud and over many years has left him with this hearing loss. However, records also indicate that the applicant stated that he has some hearing loss in his left ear due to a grenade being set off close to him while he was in the military. He did not offer this information during the original QME evaluation.

PRE-EXISTING DISABILITY AND NON-INDUSTRIAL FACTORS

The following is a list of the pre-existing and non-industrial factors:

- Assault while in the military resulting in psychological treatment and a diagnosis of PTSD – 1989
- Loss of hearing in one ear due to hand grenade exploding in close proximity to him during his time in military service – date unknown
- Exposure to soldier's traumatic injuries during applicant's time in the service – 1986 - 2013
- Loss of sister from cancer - 1992
- Loss of mother – 2016
- Kidney cancer diagnosis and surgery - 2019
- Cancer metathesizing to lung - 2020

This report is being made on the basis of the information provided and described above. If additional information becomes available which affects either the veracity or the accuracy of the data provided, all of the conclusions contained herein may be subject to revision. This concludes the supplemental report in psychology of Mr. George Soohoo. Please contact me if you have any questions regarding this report.

DISCLOSURE:

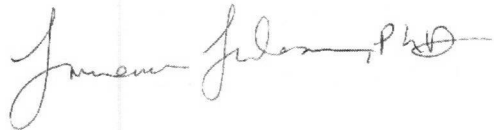
Report was prepared and edited by me, Dr. Ledesma. I, Dr. Ledesma, am an independent contractor of a medical group, Veritas Med-Legal. Veritas Med-Legal incurs expenses associated with QME office locations as well as other expenses on my behalf. As a result, part of reimbursement is being shared with Veritas Med-Legal. No amount has been charged in excess of the professional services and the reasonable cost of diagnostic testing, if any. I, Dr. Ledesma, do not have any financial interest in any diagnostic facility, laboratory, health facility or other physician to which this applicant has been or might be referred. The opinions herein stated are my own. I have attempted to address all the issues which normally arise in the course of Medical-Legal examination pursuant to the California Labor Code, and consistent with the time allowed in this report classification.

I declare under penalty of perjury that I have not violated Labor Code Section 139.3, and that the information contained in this report and its attachments, including billing, if any, is true and correct to the best of my knowledge and belief, except as to information I have indicated I have received from others. As to that information,

I declare under penalty of perjury that the information accurately describes the information provided to me and, except as noted herein, that I believe it to be true. I have not violated Labor Code Section 139.3 and the contents of the report and bill are true and correct to the best of my knowledge. This statement is made under penalty of perjury.

Date of Report: March 3, 2022

Dated the 3rd day of March, 2022 in Orange County, California.



Signature of Physician
Lawrence Ledesma, Ph.D. PSY12355
Qualified Medical Evaluator
Clinical Psychology