

## The Way It Was

In the early 20th century, a worker injured on the job had to sue his employer to recover medical expenses and lost wages.

Lawsuits took months and sometimes years. Juries had to decide who was at fault and how much, if anything, would be paid. In most instances, the worker got nothing. It was costly, time consuming, and often unfair.

## The Way It Is

Today, the California workers' compensation law provides a faster, fairer way to take care of injured workers... where fault doesn't have to be proved to recover medical expenses and lost wages.

This job-injury insurance is paid for by your employer and supervised by the state. If you can't work due to a job-related injury or illness, workers' compensation pays your medical bills and provides money to help replace lost wages until you can return to work.

## Who's Covered?

Almost every employee in California is protected by workers' compensation, but there are a few exceptions. People in business for themselves and unpaid volunteers may not be covered. Maritime workers and federal employees are covered by similar laws. If you have a question about coverage, ask your employer.

## What's Covered?

Any injury or illness is covered if it's due to your job. Everything from first-aid type injuries to serious accidents are covered. Workers' compensation even covers injuries – including physical or psychiatric injuries – resulting from a workplace crime. (Some injuries from voluntary, off-duty recreational, social or athletic activity – for example, the company bowling team – may not be covered. Check with your supervisor or the claim administrator listed at the end of this document if you have questions.)

Coverage is automatic and immediate. There is no qualifying period, no need to earn a certain amount in wages before you're covered... protection begins the first minute you're on the job.

## What You Have To Do

Immediately notify your supervisor or the employer representative listed on the back of this pamphlet so you can get medical help right away. If it's more than a simple first-aid injury, your employer will give you a claim form so you can describe the injury and how, when and where it happened. To file a claim, complete the "Employee" section of the claim form, keep one copy and return the rest to your employer. Your employer will then complete the "Employer" section, give you a signed and dated copy of the form, keep one copy and send one to the claims administrator, who is responsible for handling your claim and notifying you about your eligibility for benefits.

Benefits can't start until the claims administrator knows of the injury, so report the injury and file the claim form as soon as possible. State law requires employers to authorize medical treatment within one working day of receiving a claim form, but delays in reporting may delay workers' compensation benefits, and you may not be able to get benefits if you don't file a claim within one year of the date of injury, the date you knew the injury was work related, or the date benefits were last provided. To insure your right to benefits, report every injury, no matter how slight, and request a claim form if it's more than a simple first aid injury.

## Benefits

The California workers' compensation law guarantees you three kinds of benefits:

- All reasonable and necessary medical care for your injury or illness... with no deductibles. Medical benefits may include treatment by a doctor, hospital services, lab tests, x-rays, and medicines, but for injuries on or after January 1, 2004, state law limits some medical services.
- Tax-free payments to help replace lost wages while you are temporarily disabled. Additional payments are made if the injury causes permanent disability or death.
- For injuries on or after January 1, 2004, if your injury or illness causes permanent disability, your employer doesn't offer appropriate modified or alternative work, and you don't return to work for the employer within 60 days of when temporary disability ends, you may be eligible for a supplemental job displacement benefit. This is a nontransferable voucher for education-related retraining and/or skill enhancement at state-approved schools. The amount ranges from \$4,000 to \$10,000 in vouchers, depending on the level of permanent disability.

## Benefit Payments

- **Medical Care:** All medical expenses for reasonable and necessary treatment will be paid directly by the claims administrator, so you should never see a bill. The name and address of the claims administrator are at the end of this document and are posted at your workplace.
- **Temporary Disability:** If you are unable to work for more than three days, including weekends, you are entitled to temporary disability (TD) payments to help replace your lost wages. About two weeks after reporting the injury, you'll get a check. You will continue to receive temporary disability checks every two weeks after that until the doctor says you can return to work. (Payments won't be made for the first three days, however, unless you're hospitalized as an inpatient or unable to work more than 14 days.) The amount of these checks will be two-thirds of your average wage, subject to minimums and maximums set by the state legislature. It probably won't be the full amount of your regular paycheck, but there are no deductions and the payments are tax free. Under state law, for a single injury occurring on or after April 19, 2004, TD payments may not extend for more than 104 compensable weeks within two years from the date of the first payment; or for more than 240 weeks within five years from the date of injury for a few long-term injuries such as severe burns or chronic lung disease.
- **Permanent Disability:** If your doctor says your injury or illness will always leave you somewhat limited in your ability to work, you may receive permanent disability payments. The amount depends on the doctor's report, how much of the permanent disability was directly caused by your work, and factors such as your age, occupation, type of injury, and date of injury. The minimum and maximum amounts are set by state law, and vary by injury date, but if you have a permanent disability, your claims administrator will send you a letter explaining how the benefit was calculated. In general, the total amount is set at a weekly rate spread over a fixed number of weeks. The first payment is due within 14 days after the final temporary disability payment, or if you were not receiving temporary disability, 14 days after your doctor says your condition is permanent and stationary. After that, the benefit will be paid every 14 days until you reach the maximum or you settle your case and receive a lump sum.

■ **Death Benefits:** If the injury or illness causes death, payments may be made to your relatives or household members who were financially dependent on you. These benefits are set by state law and the amount depends on the number of dependents. The payments are made at the same rate as temporary disability payments. In addition, workers' compensation provides a burial allowance.

■ **Supplemental Job Displacement Benefits** For injuries on or after January 1, 2004, if you receive temporary disability payments, within 30 days after that benefit ends, your claims administrator will send a letter advising whether your employer has a modified job or alternative work available for you, and explaining your potential rights to a supplemental job displacement benefit. If your employer does not offer modified or alternative work, you don't return to work for the employer within 60 days after your temporary disability ends, and it is determined that you have a permanent disability, you may choose to receive nontransferable vouchers to use at a state accredited school for education-related retraining or skill enhancement. If you qualify for the supplemental job displacement benefit, your claims administrator will provide vouchers up to a maximum set by state law:

A) Up to \$4,000 for permanent disability awards of more than 0 but less than 15 percent.

B) Up to \$6,000 for permanent disability awards between 15 percent and 25 percent.

C) Up to \$8,000 for permanent disability awards between 26 percent and 49 percent.

D) Up to \$10,000 for permanent disability awards between 50 percent and 99 percent.

## Other Benefits

Workers' compensation is sometimes confused with State Disability Insurance (SDI). They seem similar, but there are important differences. Workers' compensation insurance covers on-the-job injuries and illnesses and is paid for entirely by your employer. On the other hand, SDI covers off-the-job injuries or sickness, and is paid for by deductions from your paycheck. If you are not receiving workers' compensation benefits, you may be able to get State Disability benefits. For information, call the local office of the state Employment Development Department listed in the government pages of your phone book.

## If You Have Questions

... ask your supervisor or employer representative. Or contact the workers' compensation claims administrator (the name, address and phone number are listed at the end of this document and are posted at your workplace). You also can contact an information and assistance officer at the State Division of Workers' Compensation (DWC). Information and assistance officers are available at no charge to answer questions, review problems and provide additional written information about workers' compensation. The local office is listed at the end of this document and is posted at your workplace, or you can call 800-736-7401, check the local listing in the white pages of the phone book under State Government Offices/Industrial Relations/Workers' Compensation, or go to the DWC web site at <http://www.dir.ca.gov/dwc>.

## Physician Predesignation

You can be treated immediately by your personal medical doctor (M.D.) or a doctor of osteopathy (D.O.) if:

- your employer offers group health coverage;
- the doctor has treated you in the past and has your medical records;
- prior to the injury the doctor agreed to treat you for work injuries or illnesses and you gave your employer the doctor's name and address in writing.

This is called "predesignating a personal physician." If you give your employer the name and address of a personal chiropractor (D.C.) or acupuncturist (L.A.C.) in writing prior to the injury or illness, your claims administrator will arrange treatment with another doctor, then you may switch to the chiropractor or acupuncturist upon request during the first 30 days after your employer knows of your injury or illness. You can notify your employer of a physician predesignation by completing the following form and returning it to your employer.

To: (name of employer) \_\_\_\_\_

If I have a work-related injury or illness, I choose to be treated by:

(Name of doctor) \_\_\_\_\_ Circle one ( M.D., D.O., D.C., L.A.C.)

(street address) \_\_\_\_\_

(city, state, ZIP) \_\_\_\_\_

(telephone number) \_\_\_\_\_

I understand that this doctor must have treated me in the past and must maintain my medical records.

Employee Name (please print) \_\_\_\_\_

Employee

Signature \_\_\_\_\_

Date \_\_\_\_\_

Employee I.D.

Number \_\_\_\_\_

**Physician: Complete this section.** I agree to treat the above named individual should they have a work injury or illness. I understand that medical services in the California workers' compensation system are subject to preauthorization of non-emergency services and diagnostic tests, utilization review, reporting requirements, and fees governed by the Official Medical Fee Schedule promulgated by the Division of Workers' Compensation.

Physician Name (please print) \_\_\_\_\_

Physician Signature \_\_\_\_\_

Date \_\_\_\_\_

Office Manager/Billing Contact Name(s) \_\_\_\_\_

Street Address \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_

Phone/Fax Number \_\_\_\_\_

Email \_\_\_\_\_

Physician Tax I.D. Number \_\_\_\_\_

## WORKERS' COMPENSATION FRAUD IS A FELONY

Anyone who makes or causes to be made any knowingly false or fraudulent material statement for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

This pamphlet is available in Spanish. For a free copy, please write:  
CWCI, 1111 Broadway, Suite 2350, Oakland, CA 94607.

Este folleto está traducido al español. Para conseguir una copia, favor de escribir a CWCI, 1111 Broadway, Suite 2350, Oakland, CA 94607.

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## More About Medical Care

Good medical care is important – to you, your family and your employer. Quality medical treatment is the quickest way to recovery.

- If emergency medical care is needed, call for help immediately and get the best treatment available until emergency personnel arrive. Emergency phone numbers are listed on the back of this document.
- If first-aid is available at your workplace, seek immediate treatment. Report to your employer where, when and how the accident happened. If it's more than a simple first-aid injury, ask your employer for a claim form.
- To make sure your medical bills get paid and you get all of your benefits, complete the "Employee" section of the claim form and return it to your employer as soon as possible. Employers are required to notify the claims administrator and authorize medical treatment within one working day of receiving a claim form, so get a signed and dated copy of the claim form back from your employer and keep it with all the other paperwork related to your claim.
- If additional medical care is necessary, your claims administrator will arrange appropriate treatment. The doctor may be a specialist for your particular type of injury, and he or she will be familiar with workers' compensation requirements and will report promptly so your benefits can be paid.
- The doctor with overall responsibility for treating your injury or illness is your "primary treating physician" (PTP). The PTP decides what kind of medical care you need and when you can return to work. If necessary, he or she will review your job description with you and your employer to define any limitations or restrictions that you may have when you go back to work. This doctor also is responsible for coordinating care between other medical providers, and if it is a serious injury, will write reports about any permanent disability or the need for future medical care. Generally your employer selects the PTP you will see for the first 30 days, but if you want to change doctors for any reason, ask your employer or claims administrator. They're as interested as you are in your prompt recovery and return to work and will select a different doctor for you.
- You can be treated by your personal doctor immediately if your employer offers group health coverage, the doctor agreed in advance to treat you for any work injuries or illnesses, and you gave your employer the doctor's name and address in writing before the injury. If you give the name of your personal chiropractor or acupuncturist, different rules apply, and you may need to see an employer-selected doctor first. If you decide to give your employer the name of a doctor to be your primary treating physician in case of a work injury or illness, he or she must be someone who has treated you before and who has your medical records. You can use the form inside of this pamphlet to give your employer the information about your doctor.
- Generally, if you haven't given your employer the name of your personal physician before the injury, you can switch to your own doctor 30 days after the injury is reported. (Different rules apply if you are a member of a Health Care Organization or a workers' compensation medical provider network, so check with your claims administrator if that's the case.) If you switch, choose your doctor carefully – most people don't have a family surgeon, for example. If you want advice about specialists, talk to your claims administrator.
- In any event, report your choice as soon as you make it so the bills will be paid for you. Above all, don't treat yourself. Even minor injuries need expert care. Prompt, quality medical care is the best investment you and your employer can make.

## In An Emergency...

1. Seek first aid. If emergency medical care is needed, call for help immediately (see emergency telephone numbers below) and get the best available treatment until emergency personnel arrive.
2. Report injuries immediately to your supervisor or \_\_\_\_\_ (employer representative) at \_\_\_\_\_ (telephone). Your employer is required to provide you with a claim form within one working day of learning of your injury, so insure your rights to benefits by reporting every injury, no matter how slight, and request a claim form if it's more than a simple first-aid injury. Your employer must notify the claims administrator and authorize medical treatment within one working day of receiving your claim form, and will direct you to a doctor, clinic, or hospital if necessary. Any delay in reporting an injury may delay workers' compensation benefits. If your claim or benefits are denied, you have a right to challenge the decision, but there are deadlines for filing the necessary papers at the Workers' Compensation Appeals Board, so don't delay.
3. Call your employer representative or claims administrator if you have questions or problems. It is illegal for an employer to fire or discriminate against you just because you file, intend to file, or settle a workers' compensation claim, or because you testify for a co-worker who was injured. If you prove this kind of discrimination, you will be entitled to job reinstatement, lost wages and increased benefits, plus costs and expenses up to a maximum set by the state legislature.

Free help and information are available by contacting a Division of Workers'

Compensation information and assistance officer at the local office listed below. You can hear recorded information and get a list of local offices by calling (800-736-7401), or you can get additional written information about workers' compensation by going to the Division of Workers' Compensation web site at <http://www.dir.ca.gov/dwc>.

### DWC Information & Assistance Office

Street Address \_\_\_\_\_

City \_\_\_\_\_

Telephone \_\_\_\_\_

### Emergency Telephone Numbers

Doctor \_\_\_\_\_

Police \_\_\_\_\_

Hospital \_\_\_\_\_

Fire \_\_\_\_\_

Ambulance \_\_\_\_\_

### Claims Administered By:

Name \_\_\_\_\_

check if company is self-insured

Address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

Telephone \_\_\_\_\_



# Facts about Workers' Compensation