ADVANCED CLAIMS TOPICS

Employer Education Series

This presentation is for informational purposes only and not meant to be taken as legal advice.

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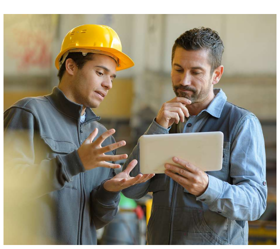
Qualifying for Workers' Compensation



California's workers' compensation system is an **ELIGIBILITY** system.

To be eligible for workers' compensation, the injured worker must prove that they are:

- An employee
- The injury arose out of employment (AOE)
- The injury occurred in the course of employment (COE)
- Medical causation

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Legal Elements of a Workers' Compensation Claim

- **Compensability**
  AOE/COE
- **Preponderance of Evidence**
  evidentiary burden of proof on all issues by all parties
- **Liberal Construction**
  to provide protection and benefits of the injured worker

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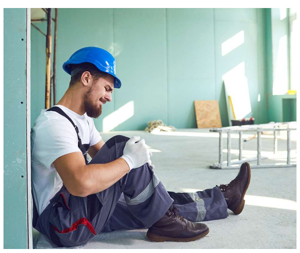
Types of Injuries



- Specific, Cumulative Trauma, or Occupational Disease
- Aggravation of a Pre-Existing Condition
- Catastrophic Injury
- Catastrophe
- Death

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Types of Claims

Specific injury occurs as the result of one incident or exposure which causes disability or need for medical treatment

- Minor
- Non-Disability
- Disability

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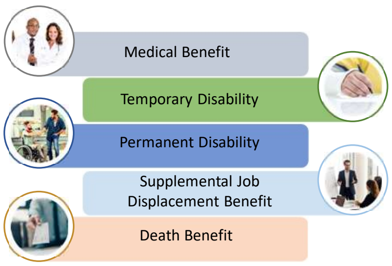
Statutory Workers' Comp Benefits



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Medical Benefits

California workers' compensation insurance pays for **all medical expenses** related to the injury which are deemed **medically necessary**.

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Disability Benefits

Workers' compensation indemnity compensates the injured worker for **lost wages**.

- Temporary Disability Benefits Payments
- Permanent Disability Benefits Payments

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How Are Disability Benefits Determined?

TEMPORARY DISABILTY
usually 2/3 of average weekly wage

PERMANENT DISABILITY
based on the level of permanent impairment

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Permanent Disability Rating

Permanent Disability rating reflects **diminished future earning capacity.**

When the injured worker reaches **Maximum Medical Improvement**, the doctor will assign a **"Whole Person Impairment" (WPI) rating**

Whole Person Impairment (WPI) is then converted to **Permanent Disability (PD)** based on:

- Age
- Occupation
- Injured body part(s)

Ratings are expressed as percentages

- 100% rating is a total disability rating
- Ratings below 100% are called partial disability ratings

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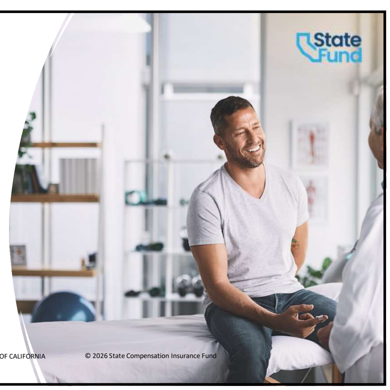
Permanent Disability Apportionment

Permanent disability apportionment is **based on causation**.

A physician makes an apportionment determination by finding what approximate percentage of the permanent disability was caused directly by the current industrial injury.



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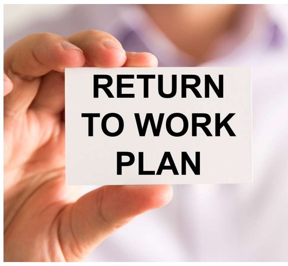

Permanent Disability Adjustment for Return to Work

15% Adjustment to Permanent Disability

Claims costs may be reduced for an employer with 50 or more employees if they offer the injured employee **regular, modified or alternative work within 60 days** of disability becoming permanent and stationary.

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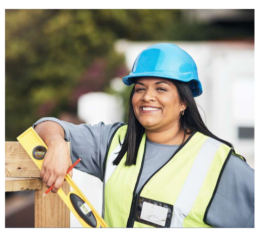
Return To Work (RTW)

A Benefit for All

A plan established by the employer to help reintegrate injured workers back into the workplace.

The goal is to return employees to the workplace as soon as they are medically able.

- **Reduced costs**
- **Quicker recovery**
- **Better employee relations**



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Modified Duty

An injured worker may still be able to work.

You may choose to offer **modified work or light duty** within the physical limits given by the primary treating physician.

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Qualified Medical Evaluators

Qualified Medical Evaluators (QMEs) are qualified physicians who are certified by the Division of Workers' Compensation (DWC) to examine injured workers, **evaluate disability**, and write medical-legal reports.

A QME evaluation will only occur if there is a dispute over what benefits are due.

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Claim Resolution

The process of resolving a claim can start with an early resolution settlement, or often when the worker is deemed to have reached **Maximum Medical Improvement**.

A worker may still qualify for medical treatment after the claim is finalized.

- Compromise and release (C&R)
- Stipulation with request for award (STIP)
- Findings and award (F&A)
- Dismissal

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What to Do When a Work Injury Occurs

Get medical attention for your injured employee immediately

- Call 911 (if needed)
- Provide first aid (if trained staff is available)
- Take or send the injured employee to a **State Fund Medical Provider Network (MPN)** facility if he or she has not predesignated a physician
- Employees who have predesignated can be sent to their personal physician

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Required Claim Documents

- ✓ Give employee a **Workers' Compensation Claim Form- DWC 1** **within one working day of knowledge of injury.**
- ✓ Give employee a copy of the **Employee's Guide to the State Fund Medical Provider Network** brochure at time of injury.
- ✓ File the **Workers' Compensation Claim Form- DWC 1** **within one working day of receipt of this form from the employee.**
- ✓ File the **Employer's Report of Occupational Injury or Illness - Form 3067** **within 5 days of knowledge of an injury.**

Required claim documents are on StateFundCA.com.

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Reporting a Claim to State Fund

Call our toll-free **Customer Service Center at (888) 782-8338**
An expert claims representative will assist you with reporting an injury and locating a Medical Provider Network doctor.

OR Log on to **State Fund Online** at StateFundCA.com and report the claim electronically

OR Fax completed claims forms to **(800) 371-5905**

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Keys to Success

- Update posting requirements to reflect current carrier/MPN information.
- Report all claims timely.
- Communicate and collaborate with your State Fund Claims Specialist.

Required claim documents are available on StateFundCA.com.

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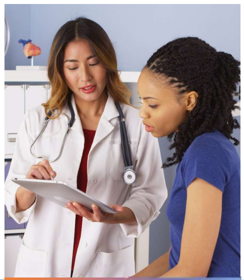
Keys to Success

Direct your injured workers to an MPN physician.

- Lowers medical costs
- Provides for medical control throughout life of claim

✓ Vetted medical providers
✓ Evidence based treatment guidelines
✓ Benchmarking of outcomes



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Keys to Success

Communication

- **Consistent communication** between you and the injured worker throughout the entire life of the claim.
- Communicate with the treating physician for a more successful **return to work and stay at work**.

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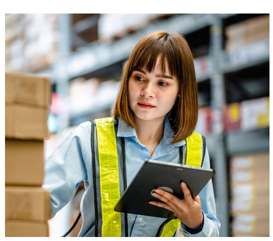
Keys to Success

Return To Work

Work with your Claims Specialist to return the injured employee to work.

- Keeps claims costs down
- Results in a more complete and faster recovery for the injured worker



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Thank you for making State Fund your carrier of choice

Visit us at [StateFundCA.com]

Customer Support Center:
(888) 782-8338

For safety resources visit
SafeAtWorkCA.com

Safety Support Unit:
(800) 675-2667

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