



Facts About Workers' Compensation

University of California
San Francisco



The content of this pamphlet has been approved by the Administrative Director of the Division of Workers' Compensation.

The information in this pamphlet is available in Spanish. To obtain a copy, please call:
HR Disability Management Services
(415) 476-2621

La información en este folleto está traducido al español. Para conseguir una copia, favor de llamar:
HR Disability Management Services (415) 476-2621.

Emergency Phone Numbers

Doctor: (415) 885-7580 Occupational Health Services
Hospital: 9-911 or 911 off campus
Ambulance: 9-911 or 911 off campus
Fire: 9-911 or 911 off campus
Police: 9-911 or 911 off campus

Employer Representative

UCSF Human Resources
Disability Management Services Unit
UCSF Box 0964
San Francisco, CA 94143-0964
Tel: (415) 476-2621

Claims Administered by:

Sedgwick CMS
P.O. Box 14533
Lexington, CA 40512
Tel: (510) 302-3180
UCSF is self-insured.

DWC Information & Assistance Office

455 Golden Gate Avenue, 2nd Floor
San Francisco, CA 94102-7002
Tel: (415) 703-5020

If You Have Other Questions

Please see the telephone numbers above.

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 www.dwc.ca.gov.

What It Is

Since 1913, California Workers' Compensation law has guaranteed prompt, automatic benefits to workers who become injured or ill because of their jobs. It is mandatory no-fault insurance, paid for entirely by your employer, that pays your medical expenses and helps replace lost wages when you are disabled from work because of a work-related injury or illness.

Who It Covers?

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 It Covers?

Any injury or illness is covered if it's due to your job. It can be caused by one event like a fall, or repeated exposures, such as repetitive motion over time. Everything from first-aid type injuries to serious accidents is 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. Injuries not covered by workers' compensation, contact HR DMS at (415) 476-2621.

What You Have To Do?

If you have a work injury or illness, 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, the company that 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 with your employer as soon as possible. State law requires employers to authorize medical care within one working day of receiving a claim form, and employers may be liable for as much as \$10,000 in treatment until a claim is accepted or rejected. 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 ensure your right to benefits, report every injury, no matter how slight, and request a claim form if it's more than a minor injury requiring only first aid.

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, physical therapy and medicines. State law makes non-emergency medical services subject to preauthorization and 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 a permanent disability or death. If your injury or illness causes permanent disability that prevents you from returning to work within 60 days after your temporary disability ends and your employer doesn't offer appropriate modified or alternative work, 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. Voucher amounts range from \$4,000 to \$10,000, 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 receive 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 Payments:

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 TD checks every two weeks after that until the doctor says you can return to work or that your medical condition is "permanent and stationary," (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, TD payments for a single injury may not extend for more than 104 compensable weeks within five years from the date of injury, 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 Payments:

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. If your employer has 50 or more employees, your benefit payment also will be affected by whether or not your employer makes a suitable return-to-work offer. 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 until you settle your case and receive a lump sum.

Death Benefits:

If the injury or illness causes death, payments may be made to individuals who were financially dependent on you. These benefits are set by state law and the amount depends on

the number of dependents and the date of injury. Generally, the payments are made at the same rate as temporary disability payments; however, no payments will be less than \$224 per week. Workers' compensation also provides a burial allowance.

Supplemental Job Displacement Benefits:

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, and it is determined that you have a permanent disability that prevents you from returning to work within 60 days after your temporary disability ends, you may qualify for a nontransferable voucher to use at a state accredited school for retraining or skill enhancement. If you qualify, your claims administrator will provide a voucher 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%.
- B) Up to \$6,000 for permanent disability awards between 15% and 25%.
- C) Up to \$8,000 for permanent disability awards between 26%
- D) Up to \$10,000 for permanent disability awards between 50% and 99%.

Other Benefits: Workers' compensation is sometimes confused with short term disability. 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, short term disability 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 eligible for these benefits. To apply for short term disability benefits, contact the UCSF Benefits Department by calling 415-476-1400 and request a disability packet. If you have worked less than 18 months for the University, and have had other employment during that time, you may be

eligible for State Disability Insurance (SDI). For information on SDI call the local office of the state Employment Development Department listed in the government pages of your phone book, or learn more at www.edd.ca.gov/disability/.

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 www.dwc.ca.gov.

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 911 for immediate help and get the best treatment available until emergency personnel arrive.

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 Incident Report" and return it to your employer as soon as possible. Employers must notify the claims administrator and authorize medical care within one working day of receiving a claim form, so get a signed and dated copy back from your

employer and keep it with the other paperwork related to your claim.

Your employer may have a Medical Provider Network (MPN), which is a network of health care providers who treat workers injured on the job. If so, a notice should be posted at your worksite to explain how to use the network. You also can request information on how to use the MPN by asking your employer or by calling the MPN number on the poster.

The doctor with overall responsibility for your treatment is the "primary treating physician" (PTP). The PTP decides what kind of medical care you need and when you can return to work. If necessary, the PTP 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. The PTP also will coordinate any care you receive from other medical providers, and for a serious injury, will write reports about any permanent disability or need for future medical care.

You can be treated by your personal doctor immediately if your employer offers group health coverage, the doctor has treated you before, has your medical records, has agreed in advance to treat you for work injuries or illnesses, and you gave your employer the doctor's name and address in writing before the injury. This is called "pre-designating."

If you decide to pre-designate, the doctor must be someone who has limited his or her practice of medicine to general practice or be a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner; or you can pre-designate a multispecialty group of licensed doctors of medicine or osteopathy (M.D.s or D.O.s) that provides comprehensive medical services primarily for non occupational injuries and illnesses. You can use the optional pre-designation form (DWC Form 9783) to give your employer the necessary information. You can use optional DWC Form 9783.1 to name a personal chiropractor or acupuncturist, but different rules apply, and you may need to see an employer-selected doctor first.

If your employer has an MPN, but you have a pre-designated personal physician, you may receive treatment immediately from that doctor. If your employer has an MPN and you do not pre-designate a personal physician prior to injury, a network doctor will generally be your PTP for the duration of treatment. For treatment other than emergency care, your claims administrator should direct you to an MPN doctor for your first medical visit, though you may switch to another doctor in the network anytime after your first visit. If you want to switch to a chiropractor or acupuncturist, including a personal chiropractor or personal acupuncturist named prior to the injury, he or she must be in the network. (Different rules apply if you are in a workers' compensation Health Care Organization (HCO). If your employer offers an MPN or if you are in an HCO, your employer will provide additional information about the network and your rights under your plan.

Generally, if you don't pre-designate a personal physician prior to the injury, and are not covered by an MPN, you can switch to your own doctor 30 days after the injury is reported. If you want to switch doctors before that, your claims administrator will give you a list of doctors to choose from (different rules apply if you are in an HCO, so check with your claims administrator if that's the case). If you want to change doctors for any reason, choose carefully - most people don't have a family surgeon, for example. If you want advice on specialists, talk to the claims adjuster who works for your claims administrator. They're as interested as you are in prompt recovery and return to work and will help you get a different doctor.

In any event, report your choice to the claims adjuster as soon as you make it so the bills will be paid for you. Even minor injuries many need expert care. Prompt, quality medical care is the best investment you and your employer can make.

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.

When a work injury or illness occurs...

1. If emergency medical care is needed, call 911 or go to the nearest emergency room.

2. Report injuries immediately to your supervisor or employer representative at (415) 476-2621. Your employer may advise you on where to go for treatment. Your employer also is required to provide you with a claim form within one working day of learning of your injury, so ensure 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 at the Workers' Compensation Appeals Board, but there are deadlines for filing the necessary papers, 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.

Emergency Telephone Number: Call 9-911 for an ambulance, the fire department, police, or for emergency medical care from a doctor or hospital. For nonemergency medical care, contact your employer, the workers' compensation claims administrator listed below, or go to Occupational Health Services (415) 885-7580.

Claims Administrator:

Name: Sedgwick CMS Check if Company Is Self-Insured
Address: P. O. Box 14533, Lexington, KY 40512
Telephone: (510) 302-3180

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 www.dwc.ca.gov

DWC Information & Assistance Office

Street Address: 455 Golden Gate Avenue, 2nd Floor
City: San Francisco, CA 94102-7002
Telephone: (415) 703-5020
Employer Representative

UCSF Human Resources
Disability Management Services Unit
UCSF Box 0964
San Francisco, CA 94143-0964
Tel: (415) 476-2621 or 1-877-682-7778 (Incident Report Hotline)

Optional Form

NOTICE OF PERSONAL CHIROPRACTOR OR PERSONAL ACUPUNCTURIST
If your employer or your employer's insurer does not have a Medical Provider Network, you may be able to change your treating physician to your personal chiropractor or acupuncturist following a work-related injury or illness. In order to be eligible to make this change, you must give your employer the name and business address of a personal chiropractor or acupuncturist in writing prior to the injury or illness. Your claims administrator generally has the right to select your treating physician within the first 30 days after your employer knows of your injury or illness. After your claims administrator has initiated your treatment with another doctor during this period, you may then, upon request, have your treatment transferred to your personal chiropractor or acupuncturist. You may use this form to notify your employer of your personal chiropractor or acupuncturist. Your Chiropractor or Acupuncturist's Information:

(name of chiropractor or acupuncturist) (D.C., L.A.C.)

(Street address. City, state, zip code)

(Telephone number)

Employee Name (please print): _____

Employee's address: _____

Employee's Signature _____ Date: _____

Title 8, California Code of Regulations, Section 9783.1DWC FORM 9783.1 (Effective Date March 2006)

Note to employee: A personal chiropractor must be your regular, licensed chiropractor (D.C.) who previously directed your treatment and retains your chiropractic treatment records, including your chiropractic history. A personal acupuncturist must be your regular, licensed acupuncturist (L.A.C.) who previously directed your treatment and who retains your acupuncture treatment records, including your acupuncture history.

If your employer offers a workers' compensation Medical Provider Network (MPN), you may only switch to a personal chiropractor or acupuncturist within the MPN. If you are a member of a workers' compensation Health Care Organization (HCO) different rules apply, so check with your employer or claims administrator if that is the case.

Optional Form

PREDESIGNATION OF PERSONAL PHYSICIAN
In the event you sustain an injury or illness related to your employment, you may be treated for such injury or illness by your personal medical doctor (M.D.), doctor of osteopathic medicine (D.O.) or medical group if:

- your employer offers group health coverage;
- the doctor is your regular physician, who shall be either a physician who has limited his or her practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, and has previously directed your medical treatment, and retains your medical records;
- your "personal physician" may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multispecialty medical group providing comprehensive medical services predominantly for non occupational illnesses and injuries;
- prior to the injury your doctor agrees to treat you for work injuries or illnesses;
- Prior to the injury you provided your employer the following in writing: (1) notice that you want your personal doctor to treat you for a work-related injury or illness, and (2) your personal doctor's name and business address.

You may use this form to notify your employer if you wish to have your personal medical doctor or a doctor of osteopathic medicine treat you for a work-related injury or illness and the above requirements are met.

NOTICE OF PREDESIGNATION OF PERSONAL PHYSICIAN

Employee: Complete this section.

To : _____ (name of employer).

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

(Name of doctor) (M.D., D.O. or medical group)

(Street address, city, state, ZIP) _____

(Telephone number) _____

Employee Name (please print): _____

Employee's Address: _____

Employee's Signature: _____ Date: _____