

## INFORMATION FOR INJURED WORKERS

### WHAT IS WORKERS' COMPENSATION?

Workers' compensation is a no-fault system designed to provide employees who sustain an injury or illness on the job with benefits to medically cure or relieve them of their industrial injury.

Benefits include: medical treatment, temporary disability benefits, permanent disability benefits, return to work benefits, and in the case of a death, benefits to qualified dependents.

### WHEN AM I COVERED?

Coverage under workers' compensation begins when you arrive at work. If you are injured or sustain an illness that arose in the course and scope of employment your injury is covered.

Injuries or illnesses caused by a voluntary activity or off duty social or athletic activities may not be covered.

### HOW DO I GET BENEFITS?

**IMMEDIATELY** notify your supervisor if you sustain a work-related injury or illness and report it to **Company Nurse at (888) 375-0280** to get the medical treatment you need without delay.

Benefits do not start until you notify your employer. Failure to timely report your injury may result in benefits being delayed and possibly denied.

If your injury or illness is more than first-aid, your supervisor will provide you with a Workers' Compensation Claim Form (DWC- 1). **To submit a claim**, complete the "Employee" section of the DWC-1 and mark the "Temporary Receipt" box, keep a copy and return the form to your supervisor to complete the "Employer" section. After the form is completed your supervisor will provide you with a completed copy and send a copy to the Workers' Compensation claims administrator.

California law requires medical treatment to be authorized within one working day of receipt of your DWC-1. If your claim is delayed for any reason, a determination must be made **within 90 days** of you filing your claim. During the delay period you will be **entitled to medical treatment up to \$10,000**.

### BENEFITS OVERVIEW:

There are five basic benefits provided through Workers' Compensation: medical treatment, temporary disability benefits, permanent disability benefits, supplemental job displacement benefits and in the case of an employee's death, death benefits.

### EMERGENCY MEDICAL CARE:

If you are injured and need emergency medical care, go to the nearest emergency room or **CALL 911 IMMEDIATELY** and report your injury to your employer as soon as possible.

### MEDICAL TREATMENT:

Workers' Compensation provides treatment that is reasonably necessary to cure or relieve the effects of the industrial injury or illness at no cost to you. Any mileage incurred related to medical treatment will be reimbursed at the Federal mileage rate, at the time it was incurred, so please make sure to record your mileage and submit it to the claims administrator.

California law prohibits an injured worker from being billed for treatment related to a claimed workers' compensation injury or illness. If you receive a bill from a medical provider regarding your claim **notify your Workers' Compensation claims adjuster**.

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### MEDICAL PROVIDER NETWORK PROGRAM:

Medical treatment for a work-related injury or illness will be provided through your employer's **Medical Provider Network (MPN)**. If you have an admitted injury or illness or while your claim of injury or illness is in a delayed status, you are required to treat within the **MPN** regardless of union representation, unless your personal care physician was pre-designated prior to your injury.

Once you report your injury you will be referred for medical treatment within the **MPN**. After your first visit you are free to change to any other physician within the **MPN**. If you wish to change your physician or location, contact and advise your claims adjuster.

### THE RIGHT TO PRE-DESIGNATE YOUR PERSONAL TREATING PHYSICIAN:

You have the right to pre-designate your personal treating physician to treat you in the event of an industrial injury or illness. For the physician to be valid pre-designated physician, the physician must have been designated prior to your industrial injury or illness, you and your physician must have completed the requisite pre-designation form.

### PHARMACY CARD:

When you file your claim, you will be provided with an **AspenComp RX** temporary prescription ID card followed by a permanent card. Use this card to fill your authorized workers' compensation prescriptions at participating chain pharmacies at no cost to you.

### UTILIZATION REVIEW:

When your primary treating physician makes a recommendation for treatment he or she must submit a request for authorization (RFA) for utilization review to determine whether the treatment being requested is appropriate.

**UTILIZATION REVIEW TIMEFRAMES:** Within **5 working days** of receiving an RFA, a notice of authorization, modification, denial or delay will be issued. If the RFA is delayed, a final determination will be issued no more than **14 calendar days** from the receipt of the initial request.

If there is any dispute over the utilization review determination, **at no cost to you**, you may appeal the decision either by asking your physician to schedule a peer-to-peer discussion with the Medical Director (physician who issued the determination) or **you must request an Independent Medical Review within 30 days of receiving the determination.**

**BE A PROACTIVE PARTICIPANT IN YOUR RECOVERY.** If your physician advises you of a treatment recommendation notify your claims adjuster so he or she may contact the physician for the treatment request, as the request may not always immediately be sent to the claims adjuster.

### INDEPENDENT MEDICAL REVIEWER (IMR):

The State of California implemented an Independent Medical Reviewer (IMR) as a way for employees to appeal any determinations made by utilization review. **If you dispute the utilization review determination, you must request an IMR within 30 days of the decision.**

### RETURN TO WORK TEMPORARY MODIFIED DUTY:

If your primary treating physician provides you with work restrictions, your employer may offer you a temporary modified or alternate position while you are in the recovery process. **Please note, if you are offered a temporary modified or alternate position and you choose to decline you may NOT be entitled to temporary disability benefits and or salary continuation.**

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### TEMPORARY DISABILITY BENEFITS:

This benefit is tax free and based on two-thirds of your average weekly earnings with minimum and maximum rates set by the state of California and based on your date of injury and is paid out every two weeks.

**If you are entitled to salary continuation under the Education Code, this benefit will be included in your regular check while you are receiving salary continuation.**

**While receiving temporary disability or salary continuation you are REQUIRED to report any earnings or income from any source to my claims adjuster as it may affect my entitlement to benefits. Failure to disclose this information may result in prosecution for violation of the Workers' Compensation Fraud law, and, if convicted, may result in a felony.**

### TO BE ELIGIBLE FOR TEMPORARY DISABILITY BENEFITS:

- ✓ Your claim must be accepted
- ✓ Your disability must be certified by the physician treating you for your workers' compensation claim AND the physician must be in the MPN or a valid pre-designated physician.
- ✓ You must be declared temporarily totally disabled or provided with work restrictions that cannot be accommodated by your employer

**If you are provided with an offer of temporary modified duty and you chose not to accept, you may not be eligible for Salary Continuation and or Temporary Disability benefits.**

For injuries on or after 04/19/2004, Temporary Disability benefits are limited to 104 weeks, and may be extended up to 240 weeks for serious injuries, in certain circumstances. These benefits normally continue until you return to work or are released from care.

**SALARY CONTINUATION:** Under the Education Code regular employees are entitled special benefits in the form of salary continuation.

#### Certificated:

- **60 Days** - 60 days of full salary per injury starts day one. The District makes up the difference between temporary disability income and the employee's regular pay.
- **Sick-Leave (pro-rated on an hourly and daily basis)** - Once the 60 days are exhausted, the employee's current sick-leave (0-10 days) is used and the employee may elect to use his/her accumulated sick leave.
- **Sub-Differential or 50% Pay (Ed Code §44983 and §44977)** – Once the 60 days and sick-leave have been exhausted, the employee is entitled to sub-differential which is the difference between the employee's full salary and the cost to hire a replacement (sub), or 50% pay, which is just that, 50% of his/her pay.

#### Classified:

- **60 Days** - 60 days of full salary per injury starts day one. The District makes up the difference between temporary disability income and the employee's regular pay.
- **Sick Leave, Vacation and Compensating Time (pro-rated on an hourly and daily basis)** - Once the 60 days are exhausted, on the 61st day, employee's current (0-10 days) and accumulated sick leave, vacation compensating time are then used at 1/3 sick/vacation -2/3 District per day.
- **Sub-Differential Pay (Education Code §45196)** – Once the 60 days and all compensating time has been exhausted, the employee is entitled to Sub-Differential which is the difference between the employee's full salary and the cost to hire a replacement (sub) until the total of Extended Illness 5 months is exhausted. At that time, employee available options will be reviewed.

### PERMANENT DISABILITY:

Once your condition has reached maximum medical improvement your physician will issue a final report. The final report will address, if applicable, the need for future medical care and any permanent impairment you may have sustained.

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### QUALIFIED MEDICAL EVALUATIONS:

If your claim is delayed pending a medical determination regarding causation or if you disagree with the findings of your primary treating physician, you have the right, **at no cost to you**, to request an evaluation by a state Qualified Medical Evaluator.

### SUPPLEMENTAL JOB DISPLACEMENT BENEFITS (SJDB):

If you are unable to return to work after you have reached maximum medical improvement in relation to your work-related injury or illness, you may be entitled to an SJDB voucher if you have permanent impairment. The voucher is to assist with retraining or skill enhancement. This voucher can be used for schooling, counseling and supplies to train for a new occupation.

### DEATH BENEFITS:

Qualified dependents will be awarded benefits set forth by the Workers' Compensation Appeals Board and up to \$10,000 to cover funeral costs.

### DELAYED CLAIMS:

If additional information is needed to decide the compensability of your claim, your claims adjuster has a legal obligation to conduct an investigation and has up to 90 days, from the date you filed your Workers' Compensation Claim Form (DWC-1), to make a determination. While your claim is delayed, you will be entitled to **medical treatment up to \$10,000** pending a decision to accept or reject your claim.

**Failure to cooperate with the investigation may result in your claim being denied.**

### ATTORNEYS:

It is not necessary to be represented by an attorney to receive these benefits. However, you do have the right to consult with an attorney of your choice. Should you decide to be represented by an attorney, you may or may not receive a larger award, but, unless you are determined to be ineligible for an award, the attorney's fee will be deducted from any award you might receive for disability benefits. The decision to be represented by an attorney is yours to make, but it is voluntary and may not be necessary for you to receive your benefits.

### ADDITIONAL RESOURCES:

The state of California offers an Information and Assistance Officer free of charge to help you in answering questions or filling out forms should there be any problems with your case. The San Bernardino Information and Assistance Officer may be reached at (909) 383-4522 or you may receive recorded information by calling 1-800-736-7401. You can also visit the State's website at: [www.dwc.ca.gov](http://www.dwc.ca.gov).

### DISCRIMINATION:

It is a violation of Labor Code section 132(a) and illegal for your employer to terminate or punish you for filing a workers' compensation claim or testifying in another person's workers' compensation claim. Discrimination can result in increased benefits and reimbursement of lost wages and or benefits.

### **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.

**FINES CAN BE UP TO \$150,000 AND IMPRISONMENT UP TO 5 YEARS.**