If your work injury results in a permanent disability and the state determines that your workers’ compensation permanent disability benefit is too low compared to your loss of future earnings, you may qualify for additional money from a Return-to-Work Fund, approved by state lawmakers in 2012. This fund will be administered by the Department of Industrial Relations, and details on eligibility and how to apply will be included in state regulations, so if you have questions or think you may qualify, contact the local DIWC Information and Assistance office listed on the workers’ compensation posting notice at your work site, or visit the Division of Workers’ Compensation website at www.dwc.ca.gov.

Where Can I Get More Information?
Start by asking the workers’ compensation claims administrator (the name and phone number are posted at your workplace). Many times problems can be solved and questions answered with a simple phone call. In addition, you can get recorded information or order free written materials about workers’ compensation by calling the State Division of Workers’ Compensation at 1-800-736-7401, or by visiting the Division of Workers’ Compensation website at www.dwc.ca.gov. If you are not represented by an attorney and would like a State Information & Assistance Officer to explain your rights and options, solve problems, or provide other information, you can call and leave a message at the nearest local office of the Division of Workers’ Compensation. The address and phone number are posted on the Division of Workers’ Compensation website, are posted at your workplace and are listed in the State Government section of the phone book under “Industrial Relations Department.” The state’s information and assistance services are free.

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, so report all work injuries and illnesses to your employer as soon as possible so appropriate medical care can be arranged.

- If it’s more than a first-aid injury, your employer will give you a claim form. To make sure you get all your benefits, complete the “Employee” section of the form and return it to your employer as soon as possible. Within one working day, your employer will give you a signed and dated copy, send a copy to the claims administrator, and your medical treatment will be authorized. If additional treatment is necessary, your claims adjuster will arrange for medical care that meets applicable treatment guidelines for your injury.

- 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, and he or she may require you to do exercises to work off your injuries. The doctor also will coordinate the care you receive from other medical providers, and will write reports about your medical condition and treatment, temporary disability, permanent disability and other issues that will affect your benefits.

- If you have health care coverage for non-work injuries and illnesses, you can be treated right away by your own doctor if you gave your employer the doctor’s name and business address in writing prior to the injury, and the doctor has treated you before, has your medical records, and agreed to treat you for work injuries or illnesses prior to the injury. This is called predesignating a personal physician. The state requires that a predesignated physician must have limited his or her practice to general practice or family practice, or that they be a board-certified orthopedic surgeon, radiologist, cardiologist, or other physician. A group of licensed doctors of medicine or osteopathy (D.O.s) who provides comprehensive medical services primarily for nonoccupational injuries and illnesses. In some cases, the worker’s employer or the workers’ compensation claims administrator, or an insurance carrier may require that a non-designated physician treat the injury. The physician must be a pathologist or an orthopedic surgeon.

- Prior to the injury, you did not predesignate a personal physician who meets the state requirements, you may be sent to a doctor you don’t know, but that doesn’t mean it’s a “company doctor.” The doctor may be a specialist for the specific injury. In addition, the doctor will be familiar with workers’ compensation requirements and will report promptly so your benefits will be paid.

- 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, MPN contact information should be on the workers’ compensation posting notice at your workplace. You also can request information on how to use the MPN asking your employer, or by calling the MPN number or by visiting the MPN website listed on the posting notice.

- Generally if you do not have a personal physician prior to the injury, and you are not covered by an MPN or a workers’ compensation Health Care Organization (HCO), your employer will select the PTP. You will see the PTP for the first 30 days. If you want to switch doctors within the first 30 days, your claims adjuster will give you a list of doctors to choose from.

Workers’ Compensation Fraud is a Felony
Any person who makes or causes to be made any knowingly false statements or misrepresentations in the filing of a claim or representation for the purpose of obtaining or denying workers’ compensation benefits or payments is guilty of a felony and may be punished by imprisonment in county jail for one year, or in state prison for up to five years, and/or fined up to $150,000 or double the value of the fraud (whichever is greater), and ordered to pay restitution for any medical evaluation or treatment.

(IG §1871.4.)
If you are ever provided a temporary disability check, please note the following:

WARNING: You are required to report to your employer or the insurance company any money that you earned for work during the time covered by this check, and be sure to stop cashing this check. If you do not follow these rules, you may be in violation of the law and the penalty may be jail or prison, a fine, and loss of benefits.

ADVERTENCIA: Es necesario que usted lea y entienda este documento para recibir sus beneficios. Si no cumplió con la ley, se le puede aplicar una multa, una multa, y perdería su derecho a recibir estos beneficios.

This pamphlet is available in Spanish. For a free copy, please write to the California Workers’ Compensation Institute.

Este folleto está traducido al español. Para conseguir una copia, favor de escribir a California Workers’ Compensation Institute.

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To reorder: Supplies of this pamphlet, as well as state-approved workers’ compensation posting notices, DWC-1 claim forms, and other information for injured workers and employers may be obtained from the store at www.cwci.org or you may request an order form by calling 510-251-9470.

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Rev. 10/12
What Are The Benefits?
California law guarantees three kinds of workers’ compensation benefits:
- Reasonable and necessary medical care to cure or relieve the effects of the injury or illness.
- Temporary disability payments, which ensure a portion of your earnings while you are unable to work because of the injury.
- Permanent disability payments, which provide compensation for a permanent loss of function due to the injury.

Temporary Disability Payments
Temporary disability payments are paid for a maximum of 26 weeks. The amount of temporary disability payments is determined based on your average weekly wage before the injury or illness, less any benefits you have already received, and is subject to a cap of $1,175 per week. If you return to work before your temporary disability payments are exhausted, you may continue to receive payments at the rate of your temporary disability benefits for up to 52 weeks from the date of injury.

Permanent Disability Payments
Permanent disability payments are determined based on your pre-injury earnings and are subject to a cap of $600,000. These payments are calculated based on a percentage of your pre-injury earnings and are subject to a cap of $600,000. You may continue to receive payments for as long as you are impaired.

Return To Work
If you return to work after you have been receiving temporary disability payments, your employer may reduce your benefits if they are not substantially protected. Your employer may also reduce your benefits if they are not substantially protected.

How to File a Claim
You have 1 year from the date of your injury or illness to file a claim for workers’ compensation benefits. If you file a claim within this time frame, you may be entitled to receive temporary disability payments. If you file a claim after 1 year, you may be entitled to receive permanent disability payments. If you file a claim after 2 years, you will not be entitled to receive any benefits.

When to File the Claim
If you are injured on the job, you must file a claim for workers’ compensation within 1 year of your injury. If you are injured off the job, you must file a claim for workers’ compensation within 2 years of your injury.

Who Has Workers’ Compensation?
Workers’ compensation is available to all employees in California, regardless of their status or race. This includes workers who are employed full-time, part-time, or on a temporary basis. It also includes workers who are employed by businesses that have 5 or more employees.

How Do I Get Workers’ Compensation?
If you are injured on the job, you should report the injury to your employer as soon as possible. Your employer will then file a report of the injury with the state of California. You should also seek medical treatment as soon as possible. If you are injured off the job, you should report the injury to your employer as soon as possible.

Who Pays for Medical Expenses?
Medical expenses for treatment of your injury or illness are paid by your employer or the insurance company that insures your employer. If you are injured on the job, your employer will pay all reasonable medical expenses for treatment of your injury. If you are injured off the job, your employer will pay all reasonable medical expenses for treatment of your injury, up to a certain amount.

What is Covered?
Workers’ compensation covers medical expenses, lost wages, and loss of earning capacity. It also covers death benefits in the event of an employee’s death due to a work-related injury or illness.

What is Not Covered?
Workers’ compensation does not cover pre-existing medical conditions or conditions that are not work-related. It also does not cover injuries or illnesses that are the result of an employee’s own misconduct, such as failing to wear protective equipment.

Who is Eligible for Workers’ Compensation?
Workers’ compensation is available to all employees in California, regardless of their status or race. This includes workers who are employed full-time, part-time, or on a temporary basis. It also includes workers who are employed by businesses that have 5 or more employees.

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