

Workers' Compensation Frequently Asked Questions

1. As an employer, what is my responsibility in reporting injuries?

California employers are required to report all work-related injuries. Failure to do so is a violation of the law and can result in substantial penalties. Report all employee workplace injuries to 877.890.8123.

2. I suspect an employee is not actually hurt and is faking an injury. What do I do?

When an injury is reported to our dedicated claims line, the claim will be assigned to a claims examiner for further investigation. During the investigative process, the claims examiner will contact you for your statement. You may advise the claims examiner of your suspicion at that time.

3. Are there Workers' Compensation posting requirements or forms for my workplace?

Yes. All required forms and postings are contained within this claims kit.

Required forms:

- DWC 1 — Injured employee completes this form.
- 5020 — When an injury is reported to the dedicated claims line, TDIC will complete the 5020 form on your behalf. We will email a copy of the report to you for your records.
- "Time of Hire" pamphlet — Provide to each new hire and injured employees.

Required posting:

- DWC 7

4. Can my employees designate a physician instead of going to one in your Medical Provider Network?

Yes, employees may predesignate a physician if:

- on the date of your work injury you have health care coverage for injuries or illnesses that are not work related;
- 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 nonoccupational 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.

5. How long after a workplace injury occurs does the employer have to respond?

The labor code mandates that the employer provide access to medical treatment within 24 hours of the injury. When reporting workplace injuries to the dedicated claims line, TDIC will provide you with a list of appropriate medical providers in your area.

6. Can I ask a prospective employee during the interview process about previous Workers' Compensation injuries?

No.

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7. What if my employee fails to notify me about an injury that happened while he or she was working?

An employee is required to report a workplace injury or disease within 30 days. Failure to do so can result in a claim being disputed when it is reported. Establish an office injury protocol including your expectations of immediate notification of the injury. Ensure staff understands that failure to notify you of an injury could result in disciplinary action and possible denial of their claim. If an employer has knowledge of an injury, he or she is required by law to report all work-related injuries or diseases.

8. Can I pay an injured employee's medical bills directly and not report the injury?

State law requires you to report ALL work-related employee injuries that require more than first aid. You can choose to pay for costs associated with an injury that requires first aid only, however, a medical provider must agree that it is a first-aid injury. The California Labor Code, Section 5401(a) defines first aid as "any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, or other minor industrial injury, which do not ordinarily require medical care. This one-time treatment, and follow-up visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel." Treatment is not considered first aid if the injury causes an employee to lose time from work beyond his or her shift.