



PUBLIC AUTHORITY
In-Home Supportive Services
San Diego County

The content of this pamphlet applies to all industrial injuries that occur on or after December 1, 2021.

WHAT IS WORKERS' COMPENSATION?

If you get hurt on the job, the California Department of Social Services (CDSS) on behalf of the In-Home Supportive Services (IHSS) Program is required by law to pay for Workers' Compensation benefits. Workers' Compensation benefits for IHSS are administered and provided through Intercare. IHSS Public Authority is the contact for filing a Workers' Compensation claim. If you are injured while providing authorized IHSS services, immediately contact:

**IHSS PUBLIC AUTHORITY AT:
(619) 731-3885**

You may be injured at work in various ways.

Single Event Injury

Examples: hurting your back in a fall, getting burned by a chemical that splashes on your skin, getting hurt in a car accident while running errands for your IHSS recipient.

Repeated Workplace Exposure

Examples: Various injuries that could be caused by repeated lifting, or repetitive motion injuries.

Workplace Crime

Examples: you get hurt in a store robbery, physically attacked by an unhappy customer while shopping for the IHSS recipient.

Discrimination is Illegal

It is illegal under Labor Code section 132a for you to be punished or fired because you:

- File a Workers' Compensation claim
- Intend to file a Workers' Compensation claim
- Settle a Workers' Compensation claim
- Testify or intend to testify for another injured worker

If it is found that you were discriminated against, the person responsible may be ordered to return you to your job. You may also be entitled to pay for lost wages, increased Workers' Compensation benefits, and costs and expenses set by state law.

WHAT ARE THE BENEFITS?

Medical Care

Paid for by Intercare to help you recover from an injury or illness caused by work. Doctor visits, hospital services, physical therapy, lab tests and x-rays are some of the medical services that may be provided. These services must be necessary to treat your injury. There are limits on some services such as physical and occupational therapy and chiropractic care.

Temporary Disability Benefits

Temporary Disability (TD) benefits are payments you could receive if you lose wages because your injury prevents you from doing your usual job while recovering from your injury. The amount you may get is up to two-thirds of your wages. There are minimum and maximum payment limits set by state law. You will be paid every two weeks if you are eligible. For most injuries, payments may not exceed 104 weeks within five years from your date of injury. TD stops when you return to work, or when the doctor releases you for work, or says your injury has improved as much as possible.

Permanent Disability Benefits

Payments if you don't recover completely. You will be paid every two weeks if you are eligible. There are minimum and maximum weekly payment rates established by state law. The amount of payment is based on:

- Your doctor's medical reports
- Your age
- Your occupation

Supplemental Job Displacement Benefits: This is a voucher for up to \$6,000 that you can use for retraining or skill enhancement at an approved school, books, tools, licenses or certification fees, or other resources to help you find a new job. You are eligible for this voucher if:

- You have a permanent disability.
- Modified or alternative work is not available within 60 days after the claims administrator receives a doctor's report saying you have made a maximum medical recovery.

Death Benefits

Death benefits are payments to your spouse, children or other dependents if you should die from a job injury or illness. The amount of payment is based on the number of dependents. The benefit is paid every two weeks at a rate of at least \$224 per week. In addition, Workers' Compensation provides a burial allowance.

OTHER BENEFITS

You may file a claim with the Employment Development Department (EDD) to get state disability benefits when Workers' Compensation benefits are delayed, denied, or have ended. There are time restrictions so for more information contact the local office of EDD or go to their web site www.edd.ca.gov.

If your injury results in a Permanent Disability (PD) and the state determines that your PD benefit is disproportionately low compared to your earning loss, you may qualify for additional money from the Department of Industrial Relation's (DIR) special earnings loss supplement program, also known as the *Return to Work Program*. If you have questions or think that you qualify, contact the DIRs Information & Assistance Unit by going to www.dwc.ca.gov and looking under *Workers' Compensation programs and units* for the *Information & Assistance Unit* link or visit the DIR web site at www.dir.ca.gov.

Workers' Compensation Fraud is a Crime

Any person who makes, or causes to be made, any knowingly false statement in order to obtain or deny Workers' Compensation benefits or payments is guilty of a felony. If convicted, the person will have to pay fines up to \$150,000 and/or serve up to five years in jail.

WHAT SHOULD I DO IF I HAVE AN INJURY?

Report Your Injury to IHSS Public Authority

Inform the IHSS Public Authority and the consumer you work for right away, no matter how slight the injury. There are time limits for reporting injuries. You could lose your right to benefits if your injury is not reported within 30 days of the date the injury happened. If your injury or illness is one that develops over time, report it as soon as you learn it was caused by your job.

If you cannot report to the IHSS Public Authority or you do not hear from the claims administrator after you have reported your injury, contact the claims administrator yourself. The contact information for Intercare is below.

Workers' Compensation Insurance Company
INTERCARE HOLDINGS INSURANCE SERVICES INC
P.O. Box 579
Roseville, CA 95661
Phone: (800) 771-5454
Fax: (877) 362-5050

Get Emergency Treatment if Needed

If it's a medical emergency, go to an emergency room right away. Tell the medical provider who treats you that your injury is job related. IHSS Public Authority or the Intercare administrator may tell you where to go for follow up treatment.

Emergency Telephone Number

CALL 911 FOR AN AMBULANCE, FIRE DEPARTMENT OR THE POLICE.

For a Referral to Non-Emergency Medical Care

CONTACT IHSS PUBLIC AUTHORITY AT : **(619) 731-3885**

DWC 1 Workers' Compensation Claim Form

Public Authority will give you a [DWC 1 claim form](#) within one working day after learning about your injury or illness. Complete the employee portion, sign and give it back to Public Authority as soon as possible. Public Authority will then file your claim with the claims administrator. Public Authority must authorize treatment within one working day of receiving the DWC 1 claim form.

If the injury is from repeated exposures, you have one year from when you realized your injury was job related to file a claim.

In either case, you may receive up to \$10,000 in medical care until your claim is either accepted or denied. The claims administrator has up to 90 days to decide whether to accept or deny your claim. Otherwise your case is presumed payable.

Your employer or the claims administrator will send you *Benefit Notices* that will advise you of the status of your claim.

MORE ABOUT MEDICAL CARE

What is a Primary Treating Physician (PTP)?

This is the doctor with overall responsibility for treating your injury or illness. He or she may be:

- The doctor you name in writing *before* you get hurt on the job
- A doctor from the medical provider network (MPN)
- The doctor chosen by your employer during the first 30 days of injury if your employer does not have an MPN or
- The doctor you chose after the first 30 days if your employer does not have an MPN.

What is a Medical Provider Network (MPN)?

An MPN is a select group of health care providers who treat injured workers. The MPN in San Diego IHSS is provided by Intercare and is WellComp.

MPN Liaison: Stacy Leal
P.O. Box 59914 Riverside, CA 92517
(800) 544-8150, info@wellcomp.net

If you have not named a doctor before you get hurt you will be referred to a WellComp doctor . After your first visit, you are free to choose another doctor from the MPN list.

What is Predesignation?

Predesignation is when you name your regular doctor to treat you if you get hurt on the job. The doctor must be a medical doctor (M.D.), doctor of osteopathic medicine (D.O.) or a medical group with an M.D. or D.O. You must name your doctor in writing *before* you get hurt or become ill.

You may predesignate a doctor if you have health care coverage for non-work injuries and illnesses. The doctor must have:

- Treated you
- Maintained your medical history and records before your injury and

- Agreed to treat you for a work-related injury or illness before you get hurt or become ill.

You may use the Predesignation of Personal Physician form 9783 that is included with this pamphlet. After you fill in the form, be sure to return it to Public Authority at the following address:

IHSS Public Authority
Attention Workers' Compensation Claims
401 Mile of Cars Way Suite 200
National City, CA 91950

You may also name your chiropractor or acupuncturist to treat you for work related injuries. The notice of personal chiropractor or acupuncturist must be in writing *before* you get hurt. You may use the form included in this pamphlet. After you fill in the form, be sure to give it to Public Authority at the address above. State law does not allow a chiropractor to continue as your treating physician after 24 visits.

WHAT IF THERE IS A PROBLEM?

If you have a concern, speak up. Talk to Public Authority or the claims administrator handling your claim and try to solve the problem. If this doesn't work, get help by trying the following:

Contact the Division of Workers' Compensation (DWC) Information and Assistance (I&A) Unit All 24 DWC offices throughout the state provide information and assistance on rights, benefits and obligations under California's workers' compensation laws. I&A officers help resolve disputes without formal proceedings. Their goal is to get you full and timely benefits. Their services are free.

To contact the nearest I&A Unit, go to www.dwc.ca.gov and under *Workers' Compensation programs and units*, click on *Information & Assistance Unit*. At this site you will find fact sheets, guides and information to help you.

The nearest I&A Unit in San Diego is located at:

DWC Information and Assistance Office
7575 Metropolitan Drive, Suite
202 San Diego, CA 92108-4424
(619) 767-2082

Consult With an Attorney

Most attorneys offer one free consultation. If you decide to hire an attorney, his or her fees may be taken out of some of your benefits. For the names of Workers' Compensation attorneys, call the State Bar of California at (415) 538-2120 or go to their website at:

www.californiaspecialist.org.

You may get a list of attorneys from your local I&A Unit or look in the yellow pages.

Warning

You may not be eligible for Workers' Compensation benefits if you get hurt providing services that are not authorized, or not payable by the In-Home Supportive Services Program, or if you are engaged in voluntary off-duty recreational, social, or athletic activity that is not part of your work related duties.

Additional Rights

You may also have other rights under the Americans with Disabilities Act (ADA) or the Fair Employment and Housing Act (FEHA). For additional information contact:
Fair Employment and Housing Act (FEHA) (800) 884-1684
Equal Employment Opportunity Commission (EEOC) at (800) 669-4000

The information contained in this pamphlet conforms to the informational requirements found in Labor Code sections 3551 and 3553 and California Code of Regulation, Title 8, sections 9880 and 9883. This document is approved by the Division of Workers' Compensation administrative director. Revised 12/20/12 and effective for dates of injuries on or after 1/1/13

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 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.

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 **and Social Security Number** (please print):

Employee's Address:

Employee's

Signature _____ Date: _____

Physician: I agree to this Predesignation:

Signature: _____ Date: _____

(Physician or Designated Employee of the Physician or Medical Group)

The physician is not required to sign this form, however, if the physician or designated employee of the physician or medical group does not sign, other documentation of the physician's agreement to be predesignated will be required pursuant to Title 8, California Code of Regulations, section 9780.1(a)(3).

Title 8, California Code of Regulations, section 9783.

(Optional DWC Form 9783 March 1, 2007)



Notice to Employees--Injuries Caused By Work

You may be entitled to workers' compensation benefits if you are injured or become ill because of your job. Workers' compensation covers most work-related physical or mental injuries and illnesses. An injury or illness can be caused by one event (such as hurting your back in a fall) or by repeated exposures (such as hurting your wrist from doing the same motion over and over).

Benefits. Workers' compensation benefits include:

- **Medical Care:** Doctor visits, hospital services, physical therapy, lab tests, x-rays, medicines, medical equipment and travel costs that are reasonably necessary to treat your injury. You should never see a bill. There are limits on chiropractic, physical therapy and occupational therapy visits.
- **Temporary Disability (TD) Benefits:** Payments if you lose wages while recovering. For most injuries, TD benefits may not be paid for more than 104 weeks within five years from the date of injury.
- **Permanent Disability (PD) Benefits:** Payments if you do not recover completely and your injury causes a permanent loss of physical or mental function that a doctor can measure.
- **Supplemental Job Displacement Benefit:** A nontransferable voucher, if you are injured on or after 1/1/2004, your injury causes permanent disability, and your employer does not offer you regular, modified, or alternative work.
- **Death Benefits:** Paid to your dependents if you die from a work-related injury or illness.

Naming Your Own Physician Before Injury or Illness (Predesignation). You may be able to choose the doctor who will treat you for a job injury or illness. If eligible, you must tell your employer, in writing, the name and address of your personal physician or medical group *before* you are injured. You must obtain their agreement to treat you for your work injury. For instructions, see the written information about workers' compensation that your employer is required to give to new employees.

If You Get Hurt:

1. **Get Medical Care.** If you need emergency care, call 911 for help immediately from the hospital, ambulance, fire department or police department. If you need first aid, contact your employer.
2. **Report Your Injury.** Report the injury immediately to your supervisor or to an employer representative. Don't delay. There are time limits. If you wait too long, you may lose your right to benefits. Your employer is required to provide you with a claim form within one working day after learning about your injury. Within one working day after you file a claim form, your employer or claims administrator must authorize the provision of all treatment, up to ten thousand dollars, consistent with the applicable treatment guidelines, for your alleged injury until the claim is accepted or rejected.
3. **See Your Primary Treating Physician (PTP).** This is the doctor with overall responsibility for treating your injury or illness.
 - If you predesignated your personal physician or a medical group, you may see your personal physician or the medical group after you are injured.
 - If your employer is using a medical provider network (MPN) or a health care organization (HCO), in most cases you will be treated within the MPN or HCO unless you predesignated a personal physician or medical group. An MPN is a group of physicians and health care providers who provide treatment to workers injured on the job. You should receive information from your employer if you are covered by an HCO or a MPN. Contact your employer for more information.
 - If your employer is not using an MPN or HCO, in most cases the claims administrator can choose the doctor who first treats you when you are injured, unless you predesignated a personal physician or medical group.
4. **Medical Provider Networks.** Your employer may be using an MPN, which is a group of health care providers designated to provide treatment to workers injured on the job. If you have predesignated a personal physician or medical group prior to your work injury, then you may go there to receive treatment from your predesignated doctor. If you are treating with a non-MPN doctor for an existing injury, you may be required to change to a doctor within the MPN. For more information, see the MPN contact information below:

MPN website: _____

MPN Effective Date: _____ MPN Identification number: _____

If you need help locating an MPN physician, call your MPN access assistant at: _____

If you have questions about the MPN or want to file a complaint against the MPN, call the MPN Contact Person at: _____

Discrimination. It is illegal for your employer to punish or fire you for having a work injury or illness, for filing a claim, or testifying in another person's workers' compensation case. If proven, you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

Questions? Learn more about workers' compensation by reading the information that your employer is required to give you at time of hire. If you have questions, see your employer or the claims administrator (who handles workers' compensation claims for your employer):

Claims Administrator _____ Phone _____

Workers' compensation insurer _____ (Enter "self-insured" if appropriate)

You can also get free information from a State Division of Workers' Compensation Information (DWC) & Assistance Officer. The nearest Information & Assistance Officer can be found at location: _____ or by calling toll-free (800) 736-7401. Learn more information about workers' compensation online: www.dwc.ca.gov and access a useful booklet "Workers' Compensation in California: A Guidebook for Injured Workers."

False claims and false denials. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony and may be fined and imprisoned.

Your employer may not be liable for the payment of workers' compensation benefits for any injury that arises from your voluntary participation in any **off-duty, recreational, social, or athletic activity** that is not part of your work-related duties.