

****CSRMA ALERT****

August 16, 2004

NEW WORKERS' COMPENSATION LAW REQUIREMENTS THAT AFFECT YOUR AGENCY NOW!

WHAT YOU NEED TO KNOW: Final regulations that revise the DWC Form 1 (claim form), the workplace poster, and information employers are required to provide employees at time of hire have been approved by the State Office of Administrative Law and are effective August 1, 2004. The revised regulations and forms can be found on the Division of Workers' Compensation web site at <http://www.dir.ca.gov/dwc/DWCPropRegs/DWCClaimFormReg.htm> .

The revised materials include:

- Claim Form:** A newly designed claim form, which includes the Notice of Potential Eligibility as required by Assembly Bill 749. Employers should begin using this form on August 1, 2004, regardless of the date of injury.
- Revised language for the Notice to New Employees:** The *Facts About Workers' Compensation* pamphlet has been revised. This revised pamphlet contains the language that employers must now give to "new hires". The pamphlet is expected to change again in January, 2005 due to pending changes regarding Medical Provider Networks.
- Revised language for the Notice to Employees Poster:** Employers need to revise the notice they are using and submit the revised notice to the DWC administrative director for review and approval. Alternatively, they may download and use the notice posted on the DWC web site.

Because of the short time frame before the effective date of these regulations, DWC will allow for a reasonable period of time for claims administrators to print an adequate supply of the revised claim forms and distribute them to their clients and the DWC Audit Unit will not start assessing penalties for failure to provide injured workers the new claim form until October 1, 2004.

WHAT YOU NEED TO DO NOW:

- DO NOT throw away any supply of DWC1 forms you may currently have. The DWC1 form itself, has not changed. What has changed is the ADDITION of the Notice of Potential Eligibility. The addition of the Notice of Potential Eligibility to the existing DWC1 form provides all of the information necessary to be compliant with the new legislation. Your Agency can print the Notice of Potential Eligibility from the DWC website at <http://www.dir.ca.gov/dwc/DWCPropRegs/ClaimFormNOPEDWC1Final.doc>, or you can request a copy from Bragg and Associates.

NOTE: ATTACH A COPY OF THIS NOTICE TO THE DWC1 FORM IN EACH OF THE CSRMA INITIAL INJURY PACKETS.

- Immediately post and keep posted in a conspicuous location frequented by employees during the hours of the workday the new Notice to Employees Poster. Your Agency may download and use the notice posted on the DWC web site at http://www.dir.ca.gov/dwc/DWCPropRegs/ClaimForm_Poster%20_Final.doc or you can request a copy from Bragg and Associates.
- Members should contact Bragg and Associates and request enough copies of the revised Facts About Workers' Compensation pamphlets to account for the number of anticipated new hires for the remainder of 2004 and for each CSRMA Initial Injury Packet your Agency has in stock. The pamphlet is expected to change again in January, 2005 due to pending changes regarding Medical Provider Networks and Bragg and Associates will send out a revised pamphlet, as necessary, at that time.

NOTE: YOU MUST PROVIDE THIS PAMPHLET AS PART OF THE NEW EMPLOYEE ORIENTATION AND REPLACE THE FACTS ABOUT WORKERS' COMPENSATION PAMPHLET IN EACH CSRMA INITIAL INJURY PACKET WITH THE REVISED PAMPHLET.

Forms, pamphlets and posters may be requested from Bragg and Associates by emailing Tani Bragg at tani.bragg@qbbbragg.com with Bragg and Associates.

Please contact David Patzer, CSRMA Risk Control Advisor at 707.373.9709 or at losscontrol@sbcglobal.net for more information on this or other loss control issues.