



Fall 2010

## New California Workers' Compensation Regulations

The California Division of Workers' Compensation has amended its regulations. The following changes are effective October 8, 2010.

### **Poster**

ALL employers must post a new Notice to Employees to replace the current workers' compensation poster wherever notices are normally posted – e.g., on the Company bulletin board containing required compliance posters. This Notice must also be posted in Spanish where there are Spanish-speaking employees.

**A copy of the Notice to Employees (in English and Spanish) that meets the requirements is attached to this Advisory.**

### **Pamphlet**

The required language in the Written Notice to Employees concerning the rights, benefits, and obligations under California's workers' compensation law has also been revised. This Written Notice is generally referred to as the "Your Rights to Workers' Compensation Benefits" pamphlet which must be given to all new hires. This notice must be provided in Spanish to Spanish-speaking employees. For most employers this pamphlet is provided by your workers' compensation carrier or administrator. **Contact your carrier or administrator for pamphlets which meet the new requirements.**

### **Workers' Compensation Claim Form (DWC 1)**

The Workers' Compensation claim form has also been revised.

**A copy of the revised form is attached to this Advisory.**

### **MPN Notices (applies only if an MPN is used)**

Employers who utilize a Medical Provider Network (MPN) of health care providers to provide medical treatment of work-related injuries have additional responsibilities with regard to notifications to employees. These notices may be provided by mail, included with an employee's paystub/paycheck or distributed through electronic means, including email, if the employee has regular electronic

access to email at work. Notices must be provided in Spanish to Spanish speaking employees.

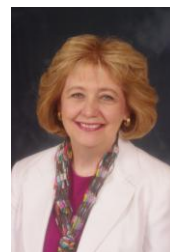
*Implementation Notice:* Every covered employee must be notified in writing prior to the implementation of an approved MPN. New employees must be given the notice at the time of hire. The following sample language has been provided in the regulations:

"Unless you predesignate a physician or medical group, your new work injuries arising on or after <INSERT EFFECTIVE DATE OF NEW MPN> will be treated by providers in a new Medical Provider Network, <INSERT NEW MPN NAME> If you have an existing injury, you may be required to change to a provider in the new MPN. Check with your claims adjuster. You may obtain more information about the MPN from the workers' compensation poster or from your employer."

*Complete Notice:* Complete written MPN notification about the MPN must be provided to covered employees at the time of injury or when an employee with an existing injury begins treatment under the MPN. This complete notification must also be posted in both English (and Spanish) near the required Workers' Compensation poster. **A sample of this notification is attached to this Advisory.**

*Notice Upon Termination, Cessation of Use, or Change of MPN:* Every injured covered employee must be given written notice of the termination or cessation of use of an MPN. Every injured covered employee must also be given written notice of a change to a different MPN. These notices may be combined as long as the combined notice meets the requirements of both.

For more information or assistance with the implementation of these new requirements contact Jeanne Flaherty or Lynn Ryder at Employer's Legal Advisor, Inc.



*Jeanne Flaherty is the President and Managing Attorney of Employer's Legal Advisor, Inc., which represents and advises employers on all employment matters. The firm specializes in conducting employment practices compliance reviews and advising employers on day-to-day legal issues in the workplace.*