

- Policy & Procedure
- Take Note
- Milestones

State of California

DWCNewsline

Division of Workers' Compensation
Carrie Nevans, Administrative Director

1515 Clay Street, 17th floor, Oakland, CA 94612 (510) 286-7100

Internet Web Page: <http://www.dir.ca.gov>

Bulletin No. 46-08

July 31, 2008

Division of Workers' Compensation posts Spanish-language samples of revised benefit notices

The Division of Workers' Compensation (DWC) has posted Spanish-language versions of its sample benefit notices and has included them in the revised benefit notice manual now posted on its Web site. The manual was created to help claims administrators comply with revised benefit notice regulations that took effect April 9, 2008.

“We hope these Spanish-language samples add value to our manual for claims administrators,” said DWC Administrative Director Carrie Nevans. “And more importantly, that they help ensure Spanish-speaking injured workers understand their rights to workers' compensation benefits.”

As with the English sample notices posted earlier this year, the sample Spanish-language notices are not intended to be used verbatim in lieu of individual notices tailored to the specific facts of each claim. The benefit notice regulations require that each benefit notice contain all relevant elements required by either statute or regulation. Every claims administrator is responsible for drafting notices in compliance with the regulations.

Oversight for compliance with the benefit notice regulations is provided by the DWC Audit Unit and in recent reviews, the unit has encountered claims administrators who have not provided notices that are not timely or do not contain all the required information.

Claim administrators should note that the amended benefit notice regulations require the inclusion of specific fact sheets with specific notices. During a profile audit review, one of the performance factors is “failure to comply with requirements for notices advising injured employee of the process for selecting Agreed Medical Examiners and/or Qualified Medical Examiners ...”, (Title 8, California Code of Regulations, section 10107.1(c)(3)(A)(v)). Failure to comply with the requirement to enclose fact sheet E, “Answers to your questions about qualified medical evaluators and agreed medical evaluators” with a particular notice will affect the performance rating of an audit subject, and may lead to expansion of the audit to the next compliance level.

Another compliance issue that claims administrator should be aware of involves provision of the required notice of no permanent disability. The regulations require that an injured worker be advised, within 14 days of the claim administrator's determination, that the employee's injury has caused no residual disability.

The benefit notice manual and sample benefit notices in English and Spanish can be found on the DWC Web site at <http://www.dir.ca.gov/dwc/audit.html>.

###