

Pre-Designate Your Physician

In the event that you are injured on-the-job, you may be treated for your injury or illness by your personal medical doctor or medical group if:

- Your employer offers group health coverage;
- The doctor is your regular physician or surgeon, licensed pursuant to Chapter 5 of Division 2 of the Business and Professions Code. A chiropractor or acupuncturist is not considered a personal physician for this purpose;
- The physician must be the employee’s primary care physician and has previously directed the medical care of the employee and retains the employee’s medical records;
- The physician must agree to be pre-designated.

Clip here and
make a copy for
yourself to keep
in a safe place!

NOTICE OF PREDESIGNATION OF PERSONAL PHYSICIAN

Employee Section

To: _____ (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)

(address, city, state, ZIP)

(telephone number)

Employee Name

Employee’s Signature

Date

Physician Section

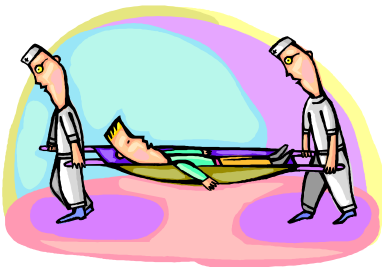
I agree to this Pre-Designation:

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 pre-designated will be required pursuant to Title 8, California Code of Regulations, section 9780.1(a)(3).

Title 8, California Code of Regulations, section 9783.



WORKERS’ COMPENSATION

Navigating Rules Difficult, Not Impossible

With a staggering epidemic of workplace injuries among hospital workers, Governor Brown on Oct. 7, 2011 signed into law AB 1136 to help prevent workplace injuries. Due to excessive and unnecessary manual patient lifting and transfers, healthcare workers experience some of the nation’s highest rates of disabling neck, back, and shoulder injuries.

The nation’s first Safe Patient Handling law requiring the pur-

chase of safe patient handling equipment and training programs was passed in Washington State in 2006. As a result of implementation of this law, a January 2011 study found that neck, back, and shoulder injuries to hospital workers caused by manual patient handling have **decreased by more than one-third.**

It is hoped that this new law will decrease injuries significantly, but we all know that

injuries will still occur. You can prepare yourself so that you are better able to navigate Workers’ Compensation rules and regulations if you are injured.

All injuries should be reported, no matter how small they seem at the moment. Back injuries or needle sticks can create long-term harm that may not seem apparent at the time. If you do not report the injury initially, you will have little recourse later.

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Temporary Disability Rates Increase

Minimum and maximum temporary total disability (TTD) rates for 2012 work injury claims will increase as a result of the rise in California’s State Average Weekly Wage, according to the California Workers’ Compensa-

tion Institute. The TTD benefit is two-thirds of a worker’s salary, with a minimum and maximum amount. Starting in 2012, the minimum TTD benefit will be \$151.57 and the maximum will be \$1,010.50.

Ten Tips to Protect Your Rights



Not all workplace injuries are orthopedic in nature. Hypertension, high blood pressure, diabetes, respiratory illnesses, skin cancer, toxic exposure and stress injuries can result from employment.

Following are recommendations provided by Workers' Compensation law firm Gordon Edelstein Krepack Grant Felton Goldstein, LLP:

1. The California Labor Code allows employees to pre-designate a physician prior to an industrial injury. By doing so, the employee has the right to be treated by that physician from the date of injury until treatment is concluded. That doctor must be the employee's regularly treating physician who maintains the person's medical records and who is willing to treat him or her in the event of an industrial (on-the-job) injury. *By pre-designating a doctor, you bypass the employer's physicians and are able to control your own care. However, failure to pre-designate often results in the employer's ability to control medical care with a doctor from his or her list of physicians.*
2. It is extremely important to keep a copy of your physician pre-designation form for your personal records in the event that you are later injured on the job. Do not assume your employer will keep a copy of it.
3. Report your work-related injury or illness, regardless of the nature or severity, to your supervisor immediately. Request an "Employee's Claim for Workers' Compensation Benefits" form from your supervisor. Fill out the "Employee" section of the claim form accurately and return it to your supervisor as soon as possible. Be sure to indicate all the parts of your body you feel may
4. Keep a copy of the completed claim form as your receipt. Request that your employer return the claim form to you with the "Employer" section filled out. According to the law, your employer has 24 hours to return the completed form to you.
5. You will undoubtedly be asked to be evaluated by a state panel Qualified Medical Examiner. If you ignore the process, the employer will pick the physician for you. If you participate in the process, you have a say in which doctor evaluates your injury; this evaluation impacts your treatment and monetary compensation.
6. Not all workplace injuries are orthopedic in nature. Hypertension, high blood pressure, diabetes, respiratory illnesses, skin cancer, toxic exposure and stress injuries can result from employment. If you have such symptoms, it is important to consult with your physician. Further, if you believe your symptoms are work-related, you have an absolute right to a Workers' Compensation claim for them. Some conditions may be merely aggravated by employment. This still qualifies as an industrial injury and you have the right to file the claim for the aggravation of a pre-existing injury.
7. Keep accurate records of the :
 - Days off work
 - Dates of all medical treatment
 - All round-trip mileage incurred for the medical treatment
 - Receipts for all out-of-pocket

be affected or hurt by the work-related injury or illness.

medical and prescription costs

8. Write down all facts about any injury or illness you suffer at work. You may have a civil action in addition to your Workers' Compensation claim.
9. Review the facts of any work-related injury or illness as soon as possible with an attorney who specializes in Workers' Compensation law. New laws have shortened many deadlines, and early missteps can seriously affect your rights.
10. Do not abuse the Workers' Compensation system. Injuries or illnesses that are not work-related should not be reported. All statements and facts that you provide must be accurate and true. Filing a false or fraudulent Workers' Compensation claim is a felony under California law.



Even moving a child has the potential to injure if not done correctly.

"If you have an injury at work, you need to notify your manager immediately. You shouldn't wait 24 hours or until the next time you work. I know people who have let it slide and when something happened that compounded the original injury, there was no paperwork supporting the claim. You have to protect yourself by reporting the injury, signing up for the physician pre-designation form, and hiring an attorney, if necessary."



Claudia Karner, RN
West Hills Hospital & Medical Center

Should I Hire an Attorney?

The short answer is, YES. The Workers' Compensation system can be difficult to navigate and the law is complex, so having an attorney is more important now than ever to ensure that proper benefits are received. Workers' Compensation is a "no-fault" system and benefits are paid for injuries on-the-job regardless of fault. There is no lawsuit or civil action against your employer, so rest assured that you

are not suing your employer by hiring an attorney to help.

There are many decisions to be made that may affect the benefits received after a workplace injury. Workers' Compensation attorneys are regulated by law and fees are usually 15 percent of the permanent disability benefits received. No up-front payment is allowed and if no benefits are awarded, there is no fee.

Unrepresented Workers' Comp Claimants

Those who initially choose not to hire an attorney and who chose a Qualified Medical Evaluator (QME) from a state-issued panel QME list, but later decide they do not wish to see the selected doctor, now have one opportunity to pick another QME if they hire an attorney.

A Workers' Compensation Appeals Board (WCAB) decision

determined that an unrepresented worker who retains an attorney can pick another QME if they have not yet been medically evaluated. The WCAB ruled that an injured employee who hired legal representation could request a new panel that included chiropractors because she had not yet seen the orthopedist assigned to evaluate her.