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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

June 21, 2013

ALL-COUNTY LETTER (ACL) NO. 13-50

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL IHSS PROGRAM MANAGERS
PUBLIC AUTHORITY EXECUTIVE DIRECTORS

SUBJECT: NEW WORKERS' COMPENSATION CARRIER AND CLAIMS REPORTING PROCEDURES FOR THE IN-HOME SUPPORTIVE SERVICES PROGRAM (IHSS) PROVIDERS

REFERENCES: All County Letters (ACLs) 03-45, 06-03, and 97-07; Welfare and Institution Code (W&IC) Sections 10850, 12302.2 (a) and 12302.21; and the Manual of Policies and Procedures (MPP), Division 19.

The purpose of this letter is to provide counties with updated information regarding the transition of services from State Fund to York Risk Services Group, Inc., for workers' compensation coverage for the In-Home Supportive Services/Personal Care Services Program/IHSS Plus Option (IHSS/PCSP/IPO), Community First Choice Option (CFCO), Public Authorities (PA) and Contractor Mode Services.

Background

Under existing law the California Department of Social Services (CDSS) is required to provide workers' compensation coverage to individual In-Home Supportive Services/Personal Care Services Program (IHSS/PCSP/IPO) Individual Providers (IPs) employed by IHSS recipients or employed through public authorities and certain contractor mode providers. Effective July 01, 2013, the York Risk Services Group, Inc. (York) will be administering the delivery of workers' compensation benefits and services for the IHSS Program in the State of California.

The services of York were obtained through a competitive procurement conducted by the the California Department of General Services, Office of Risk and Insurance Management (ORIM), which manages the workers' compensation program for CDSS.

Provided below are the specific requirements for reporting claims of injuries or occupational illnesses to York; the posting of notices and the distribution of pamphlets related to workers' compensation coverage; and the reporting of serious injuries or deaths. Full compliance (with the procedures described below) is necessary for the timely provision of workers' compensation, including benefits and treatment, the verification of injuries or third party responsibility, to meet statutory deadlines for the issuance of benefits or payments, and to meet the reporting requirements of industrial injuries in the State of California.

York Reporting Requirements for the IHSS Programs

When the a notice of an injury from any source is received by the county, a public authority or contract mode representative (referred to as the County Contact Representative (CCR)), the following procedure **must** be followed within one (1) working day:

1. The CCR completes lines 9-17 of the DWC-1 form (Employee's Claim for Workers' Compensation Benefits) and gives the DWC-1 form to the the IHSS provider.
2. The IHSS provider signs and dates the Acknowledgement of Receipt of Employee Claim Form and delivers it to the CCR.
3. Upon completion of the DWC-1, the IHSS provider should be given a copy of the DWC-1 with the retaining the remaining copies.
4. The appropriate supervisor within the entity servings as the CCR should complete the Supervisor's Report of Injury.
5. The CCR must complete the Employer's Report of Occupational Injury or Illness, Form 5020. All information requested on this form is essential for the proper handling of the claim. The information must be complete, accurate, and contain the county, public authority or contract mode representative's signature and title. However, the representative's signature is not an admission of liability. Form 5020 can be filed with York via online at www.yorkrsg.com. (user names and passwords will be provided to the counties prior to the July 1, 2013 effective date), fax, or mail.
6. The CCRs are to send all of the above to York along with any medical reports and bills, Notice of Action (NA 690), Provider Payroll Summary Screen (PSUM) or twelve (12) months of payroll information and In-Home Supportive Services Recipient/Employer Responsibility Checklist (SOC 332).

The CCRs should retain a copy for their records for at least five years or ten years when litigation results.

7. York will provide new loss reporting packets to all identified county, public authority or contract mode representative locations.

York Contact Information

York Risk Services Group
P.O. Box 619058
Roseville, CA 95661
(855) 446-9675
Fax (866)-548-2637

Required Notices and Pamphlets

All California employers are required to post a “Notice to Employees-Injuries Caused by Work”. The counties must post this notice, in a conspicuous location frequented by providers and provided to new providers at the time of hire. The poster can be found on the Department of Industrial Relations website, www.dir.ca.gov. York will provide an electronic version of the poster.

The counties must also distribute a “Your Rights to Workers' Compensation Benefits” pamphlet which notifies new employees about California workers’ compensation rights and benefits either at the time of hire or by the end of the first pay period. Counties are responsible for distributing the pamphlet to all new providers and to an existing provider upon request. The pamphlet can be found on the Department of Industrial Relations website, www.dir.ca.gov. York will provide an electronic version of the pamphlet.

Reporting a Serious Injury, Illness, or Death of an IHSS Provider

Serious injury or illness is defined as any injury or illness while performing services for an IHSS recipient which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation, or results in a loss of any member of the body or any serious degree of permanent disfigurement.

Full verification that the injury or illness occurred while the IHSS provider was providing services is not required prior to the reporting of the serious injury, illness or death.

If a fatality or serious injury or illness occurs, the following procedure must be followed:

1. The appropriate CCR (county, public authority or contract mode representative) responsible for overseeing the IHSS provider must report the incident immediately by telephone to the nearest office of the California Division of

Occupational Safety and Health (DOSH). A list of DOSH offices can be found at the following link: <http://www.dir.ca.gov/dosh/DistrictOffices.htm>

“Immediately” means within eight (8) hours of when the CCR knows or with diligent inquiry would have known of the death or a serious illness or injury. Immediate reporting also applies to injuries or illnesses initially determined to be non-serious, but later fall within the definition of a serious injury or illness. Upon learning of a serious injury or illness, a CCR must immediately report it to DOSH. Failure to make an immediate report is subject to a minimum \$5,000 fine.

2. A county representative must immediately contact York at 866-391-9675.

York’s Claims Examiners or Adjusters

York will assign an examiner dedicated to the IHSS program to contact the county, public authority or contractor mode workers’ compensation representatives for further information on individual cases. It is the responsibility of the representatives to provide all necessary information related to individual claims of injury or occupational illness to the examiners or adjusters of York. Cooperating with York, and providing requested information, is not considered a violation of confidentiality under Welf & Institution Code Section 10850 or the MPP Division 19 since York is under contract with CDSS to administer these benefits and is acting on behalf of CDSS.

York adjusters may ask questions in the following areas:

- Return to work dates
- Length of assignments
- Availability of alternative/modified work
- Background information
- Medical information

Convenient Webinar Training for Workers’ Compensation Reporting

Prior to the start of the contract, York will be scheduling three dates to conduct webinar training on the new requirements. The training will cover claims reporting, medical treatment for injured workers and pre-designation in more detail. Attendance at the webinars is important for the implementation of the new workers’ compensation program and to optimize the services offered by York. This training is consistent with the goals of CDSS and ORIM/DGS to improve the delivery of workers’ compensation services and to reduce the costs of the workers’ compensation program. After July 1, 2013, York will give additional workers’ compensation training.

Additional Assistance Provided by ORIM/DGS

If there are any questions related to, completion of reporting forms or administration of benefits by York, please contact:

Jessica Townsend, Assistant Risk Analyst
Office of Risk & Insurance Management
Department of General Services
Phone 916-376-5296
Fax 916-376-5275
Email InsuranceServices@dgs.ca.gov

Conclusion

York, DGS/ORIM, and CDSS are working closely to implement the services on July 1, 2013. Please refer all questions on this ACL to the Adult Programs Fiscal, Administrative & Systems Bureau at (916) 651-1069.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division
CDSS

c: CWDA
Department of Health Care Services