

Events Chart of a California Workers Compensation Claim

Workers' Compensation insurance covers employees for an injury¹ that occurs while the employee is doing work for the employer²

Injured Employee files Claim Form (DWC-1)
And sees doctor (Primary Treating Physician)

Claim is accepted within 14 days or put on "delay" while claim is investigated and the claim must be accepted or denied within 90 days

Medical treatment up to \$10,000 is provided by the insurer until the claim is denied³
There is no limit on medical treatment costs for an accepted claim, but all medical treatment requests are subject to an approval process (Utilization Review)

Injured Employee receives disability check within 14 days if a doctor certifies that the employee is temporarily totally disabled. For temporary partial disability, Employer can provide light duty work within employee's work restrictions

Injured worker continues treatment with treating physician until all recommended treatment is completed⁴
(Time period of treatment varies greatly depending on severity of injury)

Injured worker is declared "permanent and stationary"⁵
(maximum medical improvement)

Injured worker attends an Agreed Medical Evaluation
Or a Panel Qualified Medical Evaluation

Evaluation report is reviewed and adjusted to determine percentage of disability based on the medical impairment determined by the evaluator

Settlement demand is made and negotiations begin

Case settles⁶

¹ Injury means that more than first aid is required with more than one follow up visit

² Workers' Compensation Insurance does not provide an award for pain and suffering. If the employer has workers' compensation insurance, you cannot sue your employer for negligence.

³ If claim is denied, injured worker applies for State Disability and receives check within 14 days

⁴ Employer/ Insurer controls who provides medical treatment if employer / insurer has Medical Provider Network, and medical treatment requests are subject to Utilization Review procedures.

⁵ Permanent and Stationary means that no substantial change in the medical condition is expected over the next year with or without medical treatment (no surgery is pending or surgery is declined) and medical condition has been stable for a reasonable period of time

⁶ If no settlement is reached, the remaining benefits can be determined after a trial before a workers' compensation judge at the WCAB (Workers' Compensation Appeals Board) The average workers' compensation case has a duration time of 2-5 years (cases involving severe injuries for Applicants requiring multiple surgeries often exceed 5 years)