

**TITLE 8, CALIFORNIA CODE OF REGULATIONS  
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS  
CHAPTER 4.5 DIVISION OF WORKERS' COMPENSATION  
SUBCHAPTER 1.8.5 ELECTRONIC ADJUDICATION MANAGEMENT  
SYSTEM RULES**

**Article 1. Definitions and General Provisions**

**§10205. Definitions.**

(a) "Adjudication file" or "ADJ file" means a case file in which the jurisdiction of the Workers' Compensation Appeals Board has been invoked and which is maintained by the Division of Workers' Compensation in paper format, or electronic format, or both, including a temporary paper case file.

(b) "Administrative director" means the administrative director of the Division of Workers' Compensation or his or her designee.

(c) "Appeals board" means the commissioners and deputy commissioners of the Workers' Compensation Appeals Board acting en banc, in panels, or individually.

(d) "Applicant" means any person asserting a right to relief under the provisions of Labor Code section 5300.

(e) "Application for adjudication" or "application" means the initial pleading that asserts a right to relief under the provisions of Labor Code section 5300.

(f) "Central Registration Unit" is a unit within the Division of Workers' Compensation which maintains the website list of uniform names and addresses of claims administrators' offices and representatives' offices.

(g) "Claims administrator's office" means any office location that administers workers' compensation claims.

(h) "Cost" means any ~~sum claim for reimbursement of expense or payment of service~~ that is not ~~included as an allowable as a lien against compensation under Labor Code section 4903, at the time of filing, but may be allowable under another section of the Labor Code.~~ "Costs" include, but are not limited to: ~~(1) medical legal expenses under Labor Code section 4620 et seq deposition attorneys' and interpreters' fees under section 5710; (2) medical legal expenses, including interpreters' fees, under section 4620 on or after January 1, 2013; (3) fees related to copy service or subpoena under section 5710; and (4) costs claimed under section 5811.~~

(1) expenses and fees under Labor Code section 5710;

(2) costs under Labor Code section 5811 other than interpreter services rendered during a medical treatment appointment;

(3) any amount payable as a medical-legal expense under Labor Code section 4620 et seq.; and

(4) any amount payable under Labor Code section 4600 that would not be subject to a lien against the employee's compensation, including but not limited to any amount payable directly to the injured employee for reasonable transportation, meal, and lodging expenses and for temporary disability indemnity for each day of lost wages.

(i) "Declaration of readiness to proceed" or "declaration of readiness" means a request for a proceeding before the district office.

(j) "Declaration of readiness to proceed to expedited hearing" means a request for a proceeding before the district office pursuant to Labor Code section 5502(b).

(k) "Defendant" means any person against whom a right to relief is claimed.

(l) "District office" means a trial level workers' compensation court.

(m) "Document" is a pleading, petition, medical report, record, declaration, exhibit, or another filing submitted by a party or lien claimant, including an electronically scanned version of a document that was filed in paper form. Each medical report or other record having a different author and/or a different date of service is a separate "document."

(n) "Document cover sheet" means Form 10232.1, which is placed on top of a document or set of documents filed at one time in a specific case.

(o) "Document separator sheet" means Form 10232.2, which is placed on top of each individual document, when one or more documents are being filed at the same time in the same case and placed on top of each individual attachment to each document being filed, when a document has one or more attachments.

(p) "Electronic Adjudication Management System" or "EAMS" means the computerized case management system used by the Division of Workers' Compensation to store and maintain adjudication files and to perform other case management functions.

(q) "Electronic filing" means electronic transmission of a document into EAMS in accordance with the provision of these regulations.

(r) "Electronic signature" means a signature electronically affixed by a workers' compensation administrative law judge or by the appeals board to any decision, findings, award, order or other document.

(s) "Fax" means a document that has been electronically served by a fax machine.

(t) To “file” a document means to either deliver a document or cause it to be delivered to the district office with venue or to the appeals board for the purpose of having it included in the adjudication file or to electronically file a document via EAMS in accordance with these regulations.

(u) “Hearing” means any trial, mandatory settlement conference, rating mandatory settlement conference, status conference, lien conference, or priority conference.

(v) “Initial lien” means any Labor Code section 4903(b) lien filed in a case on or after the effective date of these regulations by a lien claimant who has not previously filed a lien in the same case.

(w) “Lien claimant” means any person claiming payment under the provisions of Labor Code section 4903 or 4903.1.

(x) “Lien conference” means a proceeding, including a proceeding following an order of consolidation, held in accordance with section 10770.1 for the purpose of assisting the parties in resolving disputed lien claims or claims of costs filed as liens pursuant to Labor Code section 4903 or 4903.1 or, if the dispute cannot be resolved, to frame the issues and stipulations and to list witnesses and exhibits in preparation for a lien trial.

(y) “Mandatory settlement conference” means a proceeding to assist the parties in resolving their dispute or, if the dispute cannot be resolved, to frame the issues and stipulations and to list witnesses and exhibits in preparation for a trial.

(z) “Optical character recognition form” or “OCR form” means a paper form designed to be scanned so that its information is automatically extracted and stored in EAMS.

(aa) “Party” means: (1) a person claiming to be an injured employee or the dependent of ~~an injured a deceased~~ employee; (2) a defendant; ~~or~~ (3) an appellant from an independent medical review or independent bill review decision or an injured employee or provider seeking to enforce such a decision; (4) an interpreter filing a petition for costs in accordance with section 10451.3; or (5) a lien claimant or a petitioner for costs where either (A) the underlying case of the injured employee or the dependent(s) of ~~an injured a deceased~~ employee has been resolved or (B) the injured employee or the dependent(s) of ~~an injured a deceased~~ employee chooses not to proceed with his, her, or their case.

(bb) “Petition” means any document filed containing a request for action other than an application for adjudication, an answer or a declaration of readiness to proceed.

(cc) “Priority conference” means a proceeding in which the applicant is represented by an attorney and the issues in dispute at the time of the proceeding include employment and/or injury arising out of and in the course of employment.

(dd) “Product delivery unit” means the unit within the Division of Workers’ Compensation. The units are abbreviated as follows: Adjudication Unit “ADJ”; Disability Evaluation Unit “DEU”; Subsequent Injuries Benefits Trust Fund “SIF”; Uninsured Employers’ Benefits Trust Fund “UEF”; Vocational Rehabilitation “VOC; and Retraining and Return to Work Unit “RSU”. For each product delivery unit there is an area in EAMS in which the case management information related to that product delivery unit is stored. That area is called the “product delivery case.” “INT” is the integrated case, which is the umbrella for the individual product delivery cases for each unit residing in EAMS.

(ee) “Rating mandatory settlement conference” means a mandatory settlement conference conducted to facilitate the determination of the existence and extent of permanent disability through the use of informal ratings issued by the Disability Evaluation Unit, where the only unresolved issues are permanent disability and the need for future medical treatment.

(ff) “Representative’s office” means any office location for a law firm, lawyer or representative of a party or lien claimant in a workers’ compensation case.

(gg) “Regular hearing” means a trial.

(hh) “Section 4903(b) lien” means a lien claim filed in accordance with Labor Code section 4903(b) for medical treatment expenses incurred by or on behalf of the injured employee, as provided by Article 2 (commencing with Labor Code section 4600), including but not limited to expenses for interpreter services, copying and related services, and transportation services incurred in connection with medical treatment. It shall not include any amount payable directly to the injured employee.

~~the medical treatment costs incurred by or on behalf of the injured employee, as provided by Article 2 (commencing with section 4600), consistent with Labor Code section 4903(b). A section 4903(b) lien includes, but is not limited to:~~

~~(1) A medical treatment lien, which includes every benefit required to be provided under section 4600, including claims for reimbursement when treatment for an occupational injury or illness has been paid by a health insurer or health care service plan (Labor Code section 4600).~~

~~(2) Transportation services expense incurred in connection with medical treatment (Labor Code section 4600).~~

~~(3) Interpreters’ fees incurred in connection with medical treatment (Labor Code section 4600).~~

(ii) To “serve” a document means to personally deliver a copy of the document, or to send it in a manner permitted by these rules and the rules of the appeals board, to a party, lien claimant, or attorney who is entitled to a copy of the document.

(jj) “Status conference” means a proceeding set for the purpose of ascertaining if there are genuine disputes requiring resolution, of providing assistance to the parties in resolving disputes, of narrowing the issues, and of facilitating preparation for trial if a trial is necessary.

(kk) “Submission” means the closing of the record to the receipt of further evidence or argument.

(ll) “Trial” means a proceeding set for the purpose of receiving evidence.

(mm) “Venue” means the district office, as established by Labor Code section 5501.5 or 5501.6, at which any proceedings will be conducted and from which any district office orders, decisions, or awards will be issued.

(nn) “Workers’ compensation administrative law judge” as defined in Labor Code section 123.7 includes pro tempore judges appointed pursuant to California Code of Regulations, title 8, section 10350.

Authority cited: Sections 111, 133, 138.2(b), 4903.05, 4903.06, and 5307.3, Labor Code; Stats. 2011, c. 559, §17 (A.B. 1426).

Reference: Sections 110, 4903, 4903.05, 4903.06, 4903.1, 5300, 5404.5, 5500.3, 5501.5, 5501.6 and 5502(b) and (c), Labor Code.

## **§10205.12. Form and Size Requirements for Filed Documents.**

(a) All documents except the medical reports of treating physicians, secondary physicians, qualified or agreed medical evaluators and proposed exhibits, shall be filed in accordance with the following standards:

(1) Only one side of each paper shall be used;

(2) All documents shall be printed with black ink on white paper that is 8½ x11 inches and at least twelve pound weight. All margins shall be at least 1 inch and shall be without typed or handwritten text in any margin;

(3) The first page shall include a case caption that shall include the name of the injured worker or dependent claiming benefits, the name of the employer and the employer’s insurer or indicating the employer is self-insured and a case number if one has been assigned by the district office. If a case number has been assigned the number shall be preceded by the abbreviation “ADJ”;

(4) All non-form legal pleadings shall contain a heading above the case caption containing the name of the filing attorney and their state bar membership number and the attorney’s law firm name and address;

(5) Except as otherwise provided in this section or section 10205.10, all OCR forms and documents shall be printed in Times New Roman, Times, Courier, Palatino, Century Schoolbook or similar serif font of at least 12 points in size;

(6) Except as otherwise provided in section 10205.10, all text added to the OCR forms shall be in capital letters.

(7) Response to the request on the OCR forms for social security numbers is optional, not mandatory.

(8) A list of body part codes is provided with the document cover sheet form and posted on the Division of Workers' Compensation website (<http://www.dir.ca.gov/forms.html>). The codes shall be used on OCR forms to describe the part of the body injured.

(9) A list of district office codes for place of venue is provided with the document cover sheet form and posted on the Division of Workers' Compensation website (<http://www.dir.ca.gov/forms.html>). The codes shall be used on OCR forms to describe the district office venue.

(10) No single document shall exceed 25 pages in length without the prior permission of the appeals board or the presiding workers' compensation administrative law judge of the district office with venue over the case;

(11) The text of a document shall be double spaced or one and one half spaces; however, captions, headings, headers, footnotes, footers and block quotations shall be single spaced.

(12) The documents shall be flat, without folds and without staples.

(13) OCR forms have bar codes at the top of the document. No other documents shall have bar codes on the top of the document.

(b) All documents shall be filed with document cover sheets and document separator sheets as follows:

(1) A completed document cover sheet shall be the first page of each individual document or set of documents filed at one time in the same case. The cover sheet provides space for information regarding 15 companion cases. Only the pages filled out need to be filed. A document separator sheet shall precede each document within a set of documents.

(2) If an individual document includes an attachment, a completed document separator sheet shall precede the attachment and if an individual document includes multiple attachments, a document separator sheet shall precede each individual attachment. A document separator sheet shall not be placed between a document and the proof of service for that document. Where one proof of service is used for multiple documents, a document separator sheet shall precede the proof of service.

(3) A list of document titles is provided with the document separator sheet form and posted on the Division of Workers' Compensation website (<http://www.dir.ca.gov/forms.html>). The document titles shall be used on document separator sheet to describe the attached document.

(4) The document separator sheet requires the filer to list the product delivery units, as defined in section 10205(dd), the date of the attached document, and the author of the attached document.

(5) This subdivision shall not apply to any unrepresented employees, unrepresented dependents or unrepresented uninsured employers who do not have ready access to document cover sheets and document separator sheets.

(c) Oversized documents shall be filed only at the time of trial in accordance with the provisions of section 10603.

(d) If an unrepresented worker, an unrepresented uninsured employer, or an unrepresented dependent does not have ready access to a computer or typewriter and compliance with subdivisions (a)(3) and (a)(5) is not feasible, a hand-printed document may be submitted. Any hand-printed document shall be legible and shall otherwise comply with subdivision (a), including the requirements of subdivision (a)(3) regarding margins and text in the margins.

Authority cited: Sections 111, 133, and 5307.3, Labor Code; Stats. 2011, c. 559, §17 (A.B. 1426).

Reference: Sections 126, Labor Code.

## **Article 2. Electronic Filing System Rules**

### **§10206. Electronic Document Filing; Electronic Adjudication Management System (EAMS) Reference Guide and Instructional Manual for E-Form Filers; Incorporation.**

Electronic documents (E-forms) shall be filed upon a form approved by the appeals board. E-form filing shall follow the procedures set forth in the *Electronic Adjudication Management System (EAMS) Reference Guide and Instructional Manual for E-Form Filers (EAMS E-Form Filing Reference Guide)*, dated ~~January 1~~December 2013, which is incorporated by reference. It may be downloaded from the Division of Workers' Compensation through the Department of Industrial Relations' website at [www.dir.ca.gov](http://www.dir.ca.gov) or may be obtained by writing to:

Division of Workers' Compensation  
Attn: EAMS E-Form Filing Reference Guide  
P.O. Box 71010  
Oakland, CA 94612

Authority cited: Sections 111, 133, 138.2(b), and 5307.3, Labor Code; Stats. 2011, c. 559, §17 (A.B. 1426).

Reference: Section 126, Labor Code.

**§10206. 1. Electronic Document Filing; Electronic Adjudication Management System Business Rules for JET Filers; Incorporation.**

JET filing shall follow the procedures set forth in the *Electronic Adjudication Management System JET File Business Rules and Technical Specifications*, Version 4.04.1, dated ~~January 1,~~ December 2013, which is incorporated by reference. This document may be downloaded from the Division of Workers' Compensation through the Department of Industrial Relations' website at [www.dir.ca.gov](http://www.dir.ca.gov) or may be obtained by writing to:

Division of Workers' Compensation  
Attn: EAMS JET Filing Business Rules  
P.O. Box 71010  
Oakland, CA 94612

Authority cited: Sections 111, 133, 138.2(b), and 5307.2, Labor Code.

Reference: Section 126, Labor Code.

**§10206.2. Electronic Filing Exemption**

All electronic documents must be filed in compliance with the Electronic Adjudication Management System regulations set forth in sections 10205, et seq., except that electronic documents do not need to be filed in compliance with sections 10205.10 and 10205.12. Documents submitted for filing by any unrepresented injured employee, any unrepresented dependent of an injured employee, or any unrepresented uninsured employer may be in paper form.

Authority cited: Sections 111, 133 and 5307.3, Labor Code; Stats. 2011, c. 559, §17 (A.B. 1426).

Reference: Section 126, Labor Code.

**Article 3. Manner of Filing of Electronic Documents.**

**§10206.3. Time of Filing of Documents.**

(a) An electronically transmitted document shall be deemed to have been received by EAMS when the electronic transmission of the document into EAMS is complete. A document received electronically after 5:00 pm of a court day (i.e., Monday through Friday, except designated State holidays) shall be deemed filed as of the next court day.

(b) When an e-form is filed electronically, the party filing the document shall verify completion of filing pursuant to the procedures set forth in the EAMS E-Form Filing Reference Guide;

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~~Version 2.0.~~ In the absence of following the procedures set forth in the EAMS E-Form Filing Reference Guide, there is no presumption that EAMS received the document.

(c) When a document is filed using jet filing, the party filing the document shall verify completion of filing pursuant to the EAMS JET File Business Rules and Technical Specifications, Version ~~4.04.1~~. In the absence of a confirmation of successful filing, there is no presumption that EAMS received the document.

Authority cited: Sections 111, 133, 138.2(b), and 5307.3, Labor Code.

Reference: Section 126, Labor Code.

#### **§10206.4. Uniform Assigned Names**

Uniform assigned names (UAN) shall be created and assigned for claims administrators, representatives and lien claimant organizations by the DWC Central Registration Unit. The Central Registration Unit shall maintain the website list of uniform names and addresses of claims administrators' offices, representatives' offices, and lien claimant organization.

Authority cited: Sections 111, 133, 138.2(b), and 5307.3, Labor Code.

Reference: Section 126, Labor Code.

#### **§10206.5. Form and Size Requirements for Electronic Filed Documents.**

(a) Electronic document filing shall be filed in accordance with the following standards:

(1) All electronically filed documents shall be submitted by using the appropriate e-form or XML file.

(2) Any document that is required to accompany an electronic form shall be filed as an attachment to the electronic form and shall be submitted in one of the following four file formats: "PDF/A1-a (Portable Document Format)," "DOC (.doc" Microsoft Word document)," "XLS" (.xls" Microsoft Excel worksheet sheet)," or "TIFF (.tif or .tiff" Tagged Image File Format)." Filing using the "PDF/A1-a" is preferred.

(3) With the exception of electronic forms and required attachments, no embedded data shall be allowed in electronically filed documents.

(4) The filing party shall take all reasonable steps to ensure that the filing does not contain computer code, including viruses that might be harmful to EAMS or to other users of EAMS. Any electronically submitted document that is determined to contain a virus or other potentially harmful computer code may not be processed and may be deleted.

(5) If it is necessary to attach a document to an e-form, the filing party shall verify the readability of the scanned document before submitting it to EAMS.

(b) Service of any document that has been filed electronically shall include a copy of the entire e-form, all attachments and EAMS cover sheet. The proof of service for any electronically filed document shall identify the serving office's EAMS administrator and provide that individual's contact information.

Authority cited: Sections 111, 133, and 5307.3, Labor Code.

Reference: Sections 126, Labor Code.

#### **Article 4. DWC E-Forms, DWC Unstructured Forms , and DWC JET Forms.**

##### **§10206.14. DWC E-Forms and DWC Unstructured Forms.**

Authorized e-form filers shall use the e-forms from the external user home page. E-forms filing may be obtained from the DWC website at <http://www.dir.ca.gov/dwc/forms.html#EAMSForms>.

Authority cited: Sections 111, 133, and 5307.3, Labor Code.

Reference: Section 126, Labor Code.

##### **§10206.15. DWC JET Forms.**

Authorized JET filers shall file forms using the EAMS JET File Business Rules and Technical Specifications, Version 4.04.1. JET filing forms may be obtained from the DWC website at <http://www.dir.ca.gov/dwc/forms.html>.

Authority cited: Sections 111, 133, and 5307.3, Labor Code.

Reference: Section 126, Labor Code.

#### **Article 5 .The Form of Minutes of Hearing and Electronically Filed Decisions, Findings, Awards, and Orders**

#### **Article 6. Initial Lien Filing and Lien Activation Fees**

##### **§ 10207. Initial Lien Filing Fees**

(a) Lien claims enumerated below shall be filed with the Workers' Compensation Appeals Board in writing or electronically upon a form approved by the Workers' Compensation Appeals Board. The lien shall be accompanied by a proof of service and any other documents required by the appeals board.

(1) Reasonable attorney's fees (Labor Code section 4903(a)).

(2) Living expense liens (Labor Code 4903(c)).

(3) Burial expense liens (Labor Code 4903(d)).

(4) Spousal and child support liens (Labor Code 4903(e)).

(5) Employment Development Department liens (Labor Code sections 4903, subdivisions (f), (g), and (h)).

(6) Victims of Crime liens (Labor Code section 4903(i)),

(b) On or after January 1, 2013, any initial ~~lien filed pursuant to Labor Code~~ section 4903(b) lien or claim of costs filed as a lien shall be filed electronically using a form approved by the appeals board. The lien shall be accompanied by a proof of service and any other documents required by the appeals board.

(c) Every lien claimant, except those lien claimants listed in paragraph (1), which files an initial lien for medical costs pursuant to Labor Code section 4903(b), shall be responsible for payment of the initial lien filing fee required of providers by Labor Code section 4903.05 and as set forth in subdivision (d).

(1) The following lien claimants are exempted from the payment of the initial lien filing fee requirements under this section:

(A) A health care service plan licensed pursuant to section 1349 of the Health and Safety Code.

(B) A group disability insurer under a policy issued in this state pursuant to the provisions of Section 10270.5 of the Insurance Code.

(C) A self-insured employee welfare benefit plan, as defined in section 10121 of the Insurance Code issued in this state.

(D) A Taft-Hartley health and welfare fund.

(E) A publicly funded program providing medical benefits on a nonindustrial basis.

(2) The following lien claimants or parties are not required to pay the initial lien filing fee under this section as their liens are not liens for medical costs pursuant to Labor Code section 4903(b).

- (A) Reasonable attorney's fees (Labor Code section 4903(a)).
- (B) Living expense liens (Labor Code 4903(c)).
- (C) Burial expense liens (Labor Code 4903(d)).
- (D) Spousal and child support liens (Labor Code 4903(e)).
- (E) Employment Development Department liens (Labor Code section 4903, subdivisions (f), (g), and (h)).
- (F) Victims of Crime liens (Labor Code section 4903(i)).
- (G) A defendant filing a Declaration of Readiness to Proceed on a lien claim.
- (H) A party who is not a lien claimant.
- (I) Companion case pursuant to subdivision (d) of this section.

(d) ~~Unless~~ Except for liens that are exempt pursuant to Labor Code section 4903.06(b), prior to or at the filing of ~~an initial lien pursuant to Labor Code~~ a section 4903(b) lien, the lien claimant shall submit a filing fee in the amount of one hundred fifty dollars (\$150) to the Division of Workers' Compensation, using a form approved by the appeals board. The \$150 fee is payment for the filing of a lien. A filing fee is required for each case in which the lien is filed; however, where one or more liens or one or more costs filed as a lien is filed in more than one case involving the same injured worker and same service or services by the same lien claimant, only one filing fee needs to be paid.

(1) The filing fee shall be collected by the Administrative Director and made electronically consistent with the following filing procedures:

(A) E-Forms filers shall pay the initial lien filing fee following the procedures set forth in the *EAMS E-Form Filing Reference Guide*.

(B) JET Filers shall pay the initial lien filing fee following the procedures set forth in the EAMS JET File Business Rules and Technical Specifications, Version ~~4.04.1~~.

(e) If the initial section 4903(b) lien filing fee has been previously paid, the lien claimant shall submit written documentation of confirmation of payment when filing the Declaration of Readiness to Proceed for a lien conference.

(f) When filing an initial lien, a lien claimant that claims that a filing fee is not required or that a lien filed under Labor Code section 4903(b) is exempt from the filing fee shall so indicate that status on the lien form.

(g) If no application exists for the employee at the time of the initial section 4903(b) lien filing, the lien claimant shall file any necessary application(s) and duty to investigate verification

pursuant to section 10770.5. In such cases, the ADJ case number shall be assigned by the Workers' Compensation Appeals Board. The lien claimant will receive a Notice of Application assigning a case number. The lien claimant may thereafter file the initial lien claim or claim of cost filed as a lien accompanied with the filing fee required by Labor Code section 4903.05 or confirmation of payment.

(h) For an initial ~~lien pursuant to Labor Code~~ section 4903(b) lien that is not exempt pursuant to Labor Code section 4903.06(b) confirmation of payment shall be filed with the Declaration of Readiness to Proceed for a lien conference.

(i) The claims of two or more providers of goods or services shall not be merged into a single section 4903(b) lien.

(j) When a lien claimant files liens or claims of costs filed as a lien in more than one case at the same time, the filing fee or fees may be paid in a single transaction following the instructions set forth in the *EAMS E-Form Filing Reference Guide* or the EAMS JET File Business Rules and Technical Specifications, Version ~~4.04.1~~.

(k) A section 4903(b) lien or claims of costs filed as a lien submitted for filing on or after January 1, 2013 that does not comply with the requirements of this section shall be invalid, even if lodged with the Workers' Compensation Appeals Board, and shall not operate to preserve or toll any time limit for filing of the lien.

(l) Any section 4903(b) lien or claims of costs filed as a lien filed for goods or services that are not the proper subject of a lien may be dismissed upon request of a party by verified petition or on the appeals board's own motion. If the section 4903(b) lien or claim of costs filed as a lien is dismissed, the lien claimant will not be entitled to reimbursement of the filing fee.

(m) Unless exempt pursuant to Labor Code section 4903.06(b), no initial section 4903(b) lien or claim of costs filed as a lien shall be accepted for filing on or after the effective date of these regulations unless accompanied by full payment for the filing fee required by Labor Code section 4903.05. Until receipt of proper payment or confirmation of payment, the lien shall not be deemed to have been received or filed for any purpose.

(n) When the attorney for the employee or dependent or any assignee of the lien claimant files the initial section 4903 (b) lien for medical costs, that filing shall be deemed to have been made by an agent for the medical provider and payment of the filing fee required by Labor Code section 4903.05 shall be required of the filing party as if the lien had been filed directly by the lien claimant.

Authority cited: Sections 111, 133, 4903.05, and 5307.3, Labor Code.

Reference: Sections 126, 4903, and 4903.05, Labor Code; section 1349 Health and Safety Code; sections 10121, and 10270.5, Insurance Code.

### § 10208. Lien Activation Fees

(a) Any ~~section 4903(b) lien filed pursuant to Labor Code section 4903(b)~~ filed prior to January 1, 2013, and any cost filed as a lien prior to January 1, 2013, shall be subject to a lien activation fee in the sum of one hundred dollars (\$100.00), payable to the Division of Workers' Compensation ~~prior to filing a Declaration of Readiness to Proceed for a lien conference by that party, prior to appearing at a lien conference for a case, or on or before January 1, 2014, whichever occurs first.~~ The \$100 fee is payment for the activation of a lien. ~~A lien activation fee is required for each lien filed prior to January 1, 2013, and for each cost filed as a lien prior to January 1, 2013; however, where one or more liens or one or more costs filed as lien is filed in one or more cases involving the same injured worker and service or services by the same lien claimant, only one lien activation fee is required.~~ No lien claimant that is required to pay an activation fee shall file a declaration of readiness or participate in any lien conference including obtaining an order allowing its lien in whole or in part, without submitting written proof of prior timely payment of the fee, or without electronic proof of prior timely payment of the fee that is available to the judge and parties at the conference. "Prior timely payment" means payment of the activation fee (1) prior to the filing of a declaration of readiness for a lien claimant filing a declaration of readiness, or (2) prior to an appearance at a lien conference by a lien claimant of record that did not file the declaration of readiness.

(1) The following lien claimants are exempt from the payment of the lien activation fee requirements under this section:

(A) A health care service plan licensed pursuant to section 1349 of the Health and Safety Code.

(B) A group disability insurer under a policy issued in this state pursuant to the provisions of section 10270.5 of the Insurance Code.

(C) A self-insured employee welfare benefit plan, as defined in section 10121 of the Insurance Code issued in this state.

(D) A Taft-Hartley health and welfare fund.

(E) A publicly funded program providing medical benefits on a nonindustrial basis.

(2) The following lien claimants or parties are not required to pay the lien activation fee pursuant to Labor Code section 4903(b):

(A) Reasonable attorney's fees (Labor Code section 4903(a)).

- (B) Living expense liens (Labor Code 4903(c)).
  - (C) Burial expense liens (Labor Code 4903(d)).
  - (D) Spousal and child support liens (Labor Code 4903(e)).
  - (E) Employment Development Department liens (Labor Code section 4903, subdivisions (f), (g), and (h)).
  - (F) Victims of Crime liens (Labor Code section 4903(i)).
  - (G) A defendant filing a Declaration of Readiness to Proceed on a lien claim.
  - (H) A party who is not a lien claimant.
  - (I) ~~The~~ A lien claimant that provides proof of having paid a filing fee as previously required by former section 4903.05, which required the filing of a payment fee in the amount of \$100 when filing an initial medical costs or medical-legal expense lien pursuant to then Labor Code section 4903(b). (Chapter 639 of the Statutes of 2003), ~~and~~ if the filing fee has not been reimbursed to the lien claimant.
  - (J) A ~~c~~Companion case pursuant to subdivision (a) of this section.
- ~~(b) Lien claimants of previously consolidated cases of liens pursuant to Labor Code section 4903(b) prior to January 1, 2013, and consolidated cases of any costs that were filed as a lien prior to January 1, 2013, shall be subject to a lien activation fee in the sum of one hundred dollars (\$100.00) for each injured worker. Payment shall be made at or before the lien conference, but no later than January 1, 2014.~~
- ~~(b)~~(e) The lien activation fee shall be collected by the Administrative Director and made electronically consistent with the following filing procedures. All fees shall be deposited in the Workers' Compensation Administration Revolving Fund and applied for the purposes of that fund.
- (1) E-Forms filers shall pay the lien activation fee following the procedures set forth in the *EAMS E-Form Filing Reference Guide, Version 1.0*.
  - (2) JET filers shall pay the lien activation fee following the procedures set forth in the EAMS JET File Business Rules and Technical Specifications, Version ~~4.04.1~~.
- ~~(c)~~(d) If the activation fee for a section 4903(b) lien filed prior to January 1, 2013 or the cost filed as a lien prior to January 1, 2013 has been previously paid, the lien claimant shall submit confirmation of payment with the Declaration of Readiness to Proceed for a lien conference.

~~(d)~~(e) All lien claimants that are required to pay an activation fee pursuant to this article that did not file the Declaration of Readiness to Proceed for a lien conference and remain a lien claimant of record at the time of a lien conference or consolidated lien conference shall submit confirmation of payment of the lien activation fee at the lien conference.

Authority cited: Sections 111, 133, 4903.06, and 5307.3, Labor Code.

Reference: Sections 126, 4903, and 4903.06, Labor Code; section 1349 Health and Safety Code; section 10270.5, and 10121, Insurance Code.

#### § 10208.1 Minutes of Hearing Form. Lien Fee Refunds

(a) Lien filing and/or lien activation fees will be automatically refunded when any one of the following occurs:

(1) A lien filing or activation fee is paid properly but the lien or lien activation was not processed due to a system error. In this case, the filing or activation fee must be resubmitted in order for the lien or activation to be processed. However, the filing or activation date will be deemed to be the date on which the filing or activation fee was first properly paid.

(2) A lien activation fee is paid and it is confirmed by the fee payment system that such fee was paid previously for the same lien, or the lien is not available for activation.

(3) An improper amount is paid for a lien filing fee or activation fee. In this case, the filing or activation fee must be repaid in the proper amount in order for the lien filing or lien activation to be effective. The lien filing or activation date will be deemed to be the date that the filing or activation fee is properly paid.

(4) A lien filing fee is properly paid, but due to a procedural defect in the filing of the lien, the filing is not effective and the filer was not able to re-file and cure the defect with 15 days pursuant to California Code of Regulations, title 8, section 10222(a). The lien filing date will be deemed to be the date that the lien is properly filed.

(b) If for any reason a refund is not issued within ten (10) days under (a)(1) through (3), or within 25 days under (a)(4), the Lien Filing Fee Refund Request form set forth in subdivision (c) must be completed and submitted no later than thirty (30) days from the date of payment of the contested fee. Any required documentary proof must be filed with the request, or if specified by the Division, as a supplement to the request. A refund will only be provided upon a showing of good cause. Good cause for a refund includes, but is not limited to the following reasons:



(1) A fee was paid for a lien for which no filing or activation fee is required pursuant to sections 4903.05 or 4903.06 of the Labor Code.

(2) An activation fee was erroneously paid for a lien other than the lien for which payment was intended and the lien for which the activation fee was erroneously paid was filed by a lien claimant other than the lien claimant that paid the contested fee.

(3) An activation fee was erroneously paid for a lien other than the lien for which payment was intended and the lien for which the activation fee was erroneously paid was filed by the same lien claimant that paid the contested fee. In this case, a refund will be provided only if all of the following apply:

(A) The lien claimant did not file a declaration of readiness and was not a lien claimant of record at any lien conference with respect to the erroneously paid lien from January 1, 2013 up to the date of the filing of the request;

(B) The erroneously paid lien is not set for a lien conference on any date up to 30 days following the filing of the request; and

(C) Proof of payment for the correct lien is provided with the request for refund.

(4) An activation fee is paid that was paid previously for the same lien but the duplicate payment is not confirmed by the fee payment system and no refund was issued in accordance with (a) (2). Proof of the prior payment must be provided with the request.

(5) Based on a finding of good cause in accordance with these rules, a workers' compensation administrative law judge or the appeals board has determined that the lien claimant is entitled to a refund of the fee. A final order from a judge or the appeals board authorizing the refund must be provided with the request for refund.

(c) Lien claimants are required to use the Lien Fee Refund Request form (Version 1.0) obtained from the DWC website at <https://www.dir.ca.gov/dwc/Liens/LienFeeRefundREQPayer.pdf>

Authority cited: Sections 111, 133, 4903.05, 4903.06 and 5307.3, Labor Code; ~~and Stats. 2011, c. 559 §17 (A.B. 1426).~~

Reference: Sections 126, 4903, 4903.05, 4903.06 and 4903.07, ~~5313, 5502(b) and 5502(e),~~ Labor Code.

## **Article 7. Declarations of Readiness to Proceed, Expedited Hearing and Pre-trial Conference Statement Forms**

## **Article 8. Access to Records and Retention of Records**

**Article 9. Review of Administrative Orders issued by the Administrative Director**

**Article 10. Arbitration Submittal Form**