



California Workers' Compensation Institute

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December 16, 2024

VIA E-MAIL – dwcforums@dir.ca.gov

Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
Attn: DWC Forums

Re: Proposed Changes to the Retraining & Return to Work and Supplemental Job Displacement Benefit Regulations

Dear Forum Director:

These comments on proposed modifications to the text of rules related to the Retraining & Return to Work and Supplemental Job Displacement Benefit Regulations are presented on behalf of members of the California Workers' Compensation Institute (the Institute). Institute members include insurers writing 76% of California's workers' compensation premium, and self-insured employers with \$92B of annual payroll (30.3% of the state's total annual self-insured payroll).

Insurer members of the Institute include AF Group/CompWest, AIG, Allianz Global Corporate and Specialty, AmTrust North America, Berkshire Hathaway Homestate Companies, CHUBB, CNA, CopperPoint Insurance Companies, Crum & Forster, EMPLOYERS, Everest Insurance, GUARD Insurance Companies, The Hanover Insurance Group, The Hartford, ICW Group, Liberty Mutual Insurance, North American Casualty Company, Preferred Employers Insurance, Republic Indemnity Company of America, Sentry Insurance, State Compensation Insurance Fund, Travelers, WCF Insurance, Zenith Insurance Company, and Zürich North America.

Self-insured employer members include Albertsons' Companies, Alliance of Schools for Cooperative Insurance Programs, BETA Healthcare Group, California Fair Services Authority, California Joint Powers Insurance Authority, California State University Risk Management Authority, Chevron Corporation, City and County of San Francisco, City of Los Angeles, City of Pasadena, Costco Wholesale, County of Los Angeles, County of Santa Clara Risk Management, Dignity Health, Disneyland Resort, East Bay Municipal Utility District, Grimmway Farms, Kaiser Permanente, Loma Linda University Health Risk Management, North Bay Schools Insurance Authority, Pacific Gas & Electric Company, San Diego Gas & Electric Company, Schools Insurance Authority, Shasta County Risk Management, Shasta-Trinity Schools Insurance Group, Southern California Edison, Southern California Gas Company, Special District Risk Management Authority, Sutter Health, United Airlines, and the University of California.

The Institute offers the following comments:

Section 10133.31(f)(1):

The Institute recommends a requirement that training at California public schools be provided directly by that school or through a third party that is approved and included on the list of approved training providers and schools only.

The reference to the Eligible Training Provider List has been deleted. Labor Code 4658.7(e)((1) limits the use of the voucher to public schools and providers that are certified and on the Eligible Training Provider List. The Institute recommends that the reference to the Eligible Training Provider List be retained.

Section 10133.31 (f)(3):

The Institute recommends adding language that an itemized invoice is required for payment as outlined in 10133.31(k).

Section 10133.31(f)(6):

We recommend that “claims examiner” be amended to “claims administrator,” which is defined in section 10116.9(c).

Section 10133.31(k):

The Institute supports the addition of this section. We recommend providing more clarity to VRTWCs regarding “itemization” to avoid payment disputes. Invoices should include 1) the date(s) of service, 2) the specific services provided, 3) the time spent for each service, 4) the VRTWC’s hourly rate, 5) the name of the VRTWC providing the service and 6) a statement under penalty of perjury that all services were provided directly by the VRTWC and not by others. A copy of the voucher signed by the injured worker should be submitted with the invoice.

Section 10133.58(c):

We recommend that the reference to the Eligible Training Provider List be retained. As currently amended this section does not include a mandate that private providers or third-party providers referred to through public schools be approved and included on the list of approved training providers and schools.

The reference to the “Bureau of Private Post Graduate Education” should be corrected to “Bureau for Private Postsecondary Education.”

Section 10133.59(c):

The Institute supports the requirement that only persons on the VRTWC list may receive payment from the SJDB. We recommend clarification in this section that only those persons on the VRTWC list may provide counseling services to injured workers.

Thank you for the opportunity to comment. Please contact us if additional information would be helpful.

Sincerely,

Sara Widener-Brightwell

Sara Widener-Brightwell, SVP Claims and General Counsel
California Workers' Compensation Institute

SWB/pm

cc: Katrina Hagen, DIR Executive Director
George Parisotto, DWC Administrative Director
CWCI Claims Committee
CWCI Medical Care Committee
CWCI Legal Committee
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