

California Workers' Compensation Institute

BULLETIN

1111 Broadway #2350, Oakland, CA 94607 (510) 251-9470 www.cwci.org

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Workers' compensation claims operations have until July to certify that their claims adjusters and medical bill reviewers meet California Department of Insurance (CDI) training/experience requirements, but CDI says that only insurers admitted to transact workers' compensation business in the state must submit a Workers' Compensation Adjuster Certification (WCAC) Acknowledgment of Receipt Form and Data Workbook, while self-insured employers and third party administrators should use the certification format outlined in regulation (CCR §2592).

On April 9, the CDI issued its Workers' Compensation Adjuster Certification (WCAC) data call for claims adjuster and medical bill reviewer data pursuant to Insurance Code §11761 and CCR, Title 10, §§2592 et seq. The annual certifications are mandated by a 2003 reform measure signed by Governor Davis. Under that law, individuals may not adjust workers' compensation claims or review medical bills on behalf of one or more insurers for a combined total of more than 12 months unless they have met the training requirements detailed in regulations that took effect in February 2006 (<http://www.cwci.org/document.php?file=598.pdf>), which define professional designations such as "experienced claims adjusters," "medical-only claims adjusters," "bill reviewers," and "experienced bill reviewers," as well as terms such as "student" or "trainee," "instructor," "training entity," and "classroom." These regulations list detailed criteria for each designation, including years of on-the-job experience; successful completion of written exams; required number of hours of training; types of courses; curriculum requirements; and time frames for completing the training. The regulations also specify continuing education requirements that must be met every two years to maintain the professional designations.

To review, the regulations require insurers (including self-insured employers and TPAs) to:

- assign designations to all claims adjusters (including temps) adjusting claims on their behalf and assign or confirm the designations of all bill reviewers that they employ or who act on their behalf;
- verify post-designation training by certifying the type of course taken, the subject matter, the date or dates taken, the location of the training, the person or organization providing the training, and the number of hours taken;
- maintain claims adjuster and medical bill reviewer training records for as long as they remain in the insurer's employ or act on its behalf, and thereafter for five years;
- make the records available upon request to the CDI and the DWC Administrative Director;
- provide copies of Designation Forms to the claims adjuster, medical-only claims adjuster, medical bill reviewer within 20 working days of request (this also applies to requests from insurers that did not designate the adjuster or medical bill reviewer, but who subsequently hire them);
- provide copies of Designation Forms upon request to policyholders or injured workers whose claims are being adjusted; and
- submit a report to the Insurance Commissioner by July of each year certifying under penalty of perjury:
 - ▶ their total number of claims adjusters;
 - ▶ the total number and percentage of adjusters and medical-only adjusters who are trained or experienced;
 - ▶ that all persons adjusting claims for them are designated to do so or are in training;
 - ▶ that the training provided meets the state requirements; and
 - ▶ that all adjusters have attended training for the required number of hours.

Claims adjusters may use any class or course taken within three years of February 22, 2006 that meets the curriculum requirements to meet the hourly requirements, while medical bill reviewers may use any class or course taken within one year of that date. The student must verify to the insurer the type of course taken, the course of study, the date or dates the course was taken, the person or organization that provided the course or class, and the number of hours taken. A person who meets the training or experience requirements to adjust workers' compensation claims or review medical bills must receive a designation from an insurer, which is transferable from one insurer to another. Medical billing entities also may provide designations as long as the insurer is able to confirm the designations and obtain copies of the Designation Form.

After a claims adjuster, medical-only claims adjuster or medical bill reviewer receives a designation either through training or experience, the state requires them to complete ongoing education every two years in order to continue to adjust claims or review medical bills. Post-designation training must be on curriculum topics noted in the regulations and on changes in the law. Post-designation training does not have to be classroom instruction and can take many forms, including seminars and workshops. Post-designation training requirements are as follows:

- ▶ Claims adjusters must complete 30 hours of training every two years.
- ▶ Medical-only claims adjusters must complete 20 hours every two years.
- ▶ Medical bill reviewers must complete 16 hours of training every two years.

The CDI posts Designation Forms on its website as a convenience so claims organizations can issue designations to employees, but insurers, TPAs and self-insured employers should not submit these forms as part of the annual certification process. The 2008 Data Call instructs insurers admitted to transact workers' compensation to email an Acknowledgment of Receipt Form to CDI by May 12, after which they should download the WCAC-2008 Statistical Plan and WCAC-2008 Data Workbook from the CDI Website, compile the information noted in the Statistical Plan and email the completed Data Workbook back to CDI by July 11. Only the completed and signed copies of the Certification Forms should be sent by U.S. Mail. Additional instructions on completing the WCAC Acknowledgment of Receipt Form, Data Workbook and Certification Forms, including email/mailling instructions are in the 2008 WCAC Data Call materials. Insurers may request an extension for submitting the WCAC 2008 data call by emailing a request to: Erlinda Hayine (hayine@insurance.ca.gov) by June 13. Self-insured employers and TPAs also must certify their adjusters and/or medical bill reviewers pursuant to CCR 2592 et seq., but they are not required to submit the WCAC Acknowledgment Form or the Data Workbook. Instead, self-insured employers and TPAs should continue to certify using the format provided in the regulation and send their annual certifications to:

California Department of Insurance, Attention: Education Section
320 Capitol Mall
Sacramento, CA 95814

CDI has posted details on the program, including Certification Forms for 2008 and Designation Forms on its website at www.insurance.ca.gov/0200-industry/0100-education-provider/wc_training.cfm. CDI also has posted a series of FAQs on the certification program at www.insurance.ca.gov/0200-industry/0100-education-provider/wc-adjuster-training-faw.cfm. For assistance, call CDI's Producer Licensing Bureau's Education Unit at (916) 492-3064. Please include your name, telephone number, license number and e-mail address in all correspondence with the CDI.

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