

State of California  
Department of Industrial Relations  
Division of Workers' Compensation  
Audit & Enforcement Unit

## 2022 AUDITS

A Report to the California Legislature on  
Claims-Handling Practices of Workers'  
Compensation Administrators



State of California  
Gavin Newsom, Governor

Pursuant to Labor Code section 129(e), the Administrative Director of the Division of Workers' Compensation (DWC) submits this thirty-third annual workers' compensation report summarizing the results of audits conducted by the DWC Audit & Enforcement Unit.

## **2022 Audit Results**

### **Profile Audit Review (PAR) standard 1.68032/Full Compliance Audit (FCA) standard 1.95657**

Labor Code sections 129 and 129.5 provide the framework for oversight and enforcement of the regulations of the Administrative Director for the prompt and accurate provision of workers' compensation benefits.

The performance of any insurer, self-insurer, or third-party administrator is rated for action in specific areas of benefit provision. Of foremost importance is the payment of all indemnity owed to the injured worker for an industrial injury. The timeliness of all initial and subsequent indemnity payments and compliance with the regulations of the Administrative Director for provision of notice for a qualified or agreed medical evaluation are also measurable performance factors.

The DWC Audit & Enforcement Unit completed 48 audits, shown in Exhibit 1. The 48 audits included 42 audits routinely selected for PAR and another 6 target audits based on the failure of a prior audit. The PAR audit subjects consisted of 14 insurance companies, 11 self-administered/self-insured employers, 16 third-party administrators (TPA), and 7 insurance companies/third-party administrators that combined claims-adjusting locations.

The 6 target audits were conducted on the following companies: Argonaut Insurance Group (San Francisco), The American Equity Underwriters, Inc. (Metairie, LA), Chubb LTD. (Los Angeles), OccuSure Claims Services, LLC (Franklin, TN), The City of Burbank (Burbank), and Nationwide Agribusiness Insurance Company (Des Moines, IA) because of a failed PAR/FCA routine audit.

In all audits, claim files were randomly selected for review, with the number of indemnity and denied cases selected based on the number of claims reported in each of those populations for the audit subject in the three calendar years before the audit commenced. In addition, if any complaints were received regarding possible violations of the Labor Code or regulations of the Administrative Director, each respective claim file related to a complaint may have been part of the audit pursuant to California Code of Regulations (CCR), Title 8, sections 10107.1(c)(2), (d)(2), and (e)(2).

Pursuant to CCR, Title 8, section 10107.1(c) and (d), either a "PAR sample" of up to 59 or a "FCA sample" of up to 138 indemnity claims is audited, depending on the claims administrator's performance, as measured in the key areas after the PAR sample is audited. CCR, Title 8, section 10107.1(e) provides for a "sample" of up to 67 denied claims that may be audited. The sample size depends on the claims administrator's performance, as measured in specific areas of benefit provision and determined by reviewing all audits of indemnity claims in the "FCA stage 1 sample."

In 2022, within the PAR/FCA audits, compliance officers audited 2,506 claim files, of which 2,502 were randomly selected claims, and four claim files were audited based on CCR, Title 8, section 10107.1 complaints received by the DWC.

### **Basis for the PAR Performance Rating**

The current audit regulations (CCR, Title 8, sections 10100.2–10115.2) took effect May 20, 2009. The audit regulations are crafted to produce more efficient audits of workers' compensation claims administrators, and to establish procedures and penalty provisions for statutory and regulatory obligations.

Pursuant to CCR, Title 8, section 10107.1(c)(3), when the DWC Audit & Enforcement Unit conducts a PAR audit of claim files, a performance rating is calculated for the sample of randomly selected indemnity claims. At present, the performance rating is a composite score reflecting claims performance based on the percentage of the following:

- Selected claims with unpaid indemnity and the amount of unpaid indemnity in those claims
- Randomly selected claims with late first temporary disability (TD) payments and/or failure to comply with the regulations for the provision of the first notice of salary continuation in lieu of TD payment
- Claims with late first payments of permanent disability (PD) or death benefits
- Claims with late subsequent indemnity payments
- Claims with violations involving a failure to comply with the regulations for the provision of notices to advise injured workers of the process for selecting Agreed Medical Examiners (AME) or Qualified Medical Examiners (QME).

The amended Labor Code section 4650(b)(2) came into effect January 1, 2013, and now provides that, under specific circumstances set by statute, PD indemnity is not payable to an injured employee until after the Workers' Compensation Appeals Board (WCAB) awards it.

As calculated pursuant to CCR, Title 8, section 10107.1(c)(3), low performance ratings reflect good claims-handling performance, and high-performance ratings reflect poor performance. If an audit subject's PAR performance rating meets or exceeds the PAR performance standard, the audit is terminated, and no administrative penalties are assessed for claims violations. In order to meet or exceed the PAR performance standard, an audit subject's PAR performance rating must meet or exceed the ratings of the worst 20% of performance ratings calculated for all audits conducted over the three-year period preceding the audit. In other words, a PAR performance rating for a 2022 audit that falls within the range of the 80% best scores of all audits conducted from 2019 through 2021 meets or exceeds the PAR performance standard for 2022, which is 1.68032.

### **Performance Ratings of Audit Subjects**

In 2022, the performance for the 48 audits includes both 42 routine and 6 target audit subjects. The performance is broken down as follows:

- Forty-six audit subjects (96%) met or exceeded the PAR 2022 performance standard and therefore had no penalty citations assessed in accordance with Labor Code section 129.5(c) and CCR, Title 8, section 10107.1(c)(4). However, these audit subjects were ordered to pay all unpaid compensation.
- Two audit subjects (4%) failed to meet or exceed the PAR standard, and their audits expanded into full compliance audits of indemnity claims (FCA stage 1). One of the two audit subjects met or exceeded the FCA 2022 performance standard and therefore had penalty citations assessed for unpaid and late payment of indemnity pursuant to Labor Code section 129.5(c)(2) and CCR, Title 8, section 10107.1(d). The other one audit subject failed to meet or exceed the FCA 2022 performance standard, and their audit expanded into full compliance audits of indemnity claims (FCA stage 2), and samples of denied claims to be audited were added. This audit subject was assessed administrative penalties for all penalty citations in accordance with Labor Code section 129.5(c) and CCR, Title 8, sections 10107.1(d) and (e).

The **DWC Administrative Director's 2022 Audit Ranking Report (Statewide Exhibit 4)** is part of this annual report. The Ranking Report provides the performance ratings for the 48 audit subjects listed, from the best to the worst performer.

In accordance with Labor Code sections 129(b)(1) and 129.5(c), the passing/failure for an audit is determined at the conclusion of the FCA of indemnity files. An audit subject that fails to meet or exceed the FCA standard is judged to have failed the audit. While the determination and rating are set at the conclusion of the FCA of indemnity files, the administrator's final performance rating may be subject to adjustment for any information provided during the final stage of the audit to address penalty citations for the previously reviewed indemnity files.

The Ranking Report also gives an accounting of the number of Notice(s) of Compensation Due issued for the individual adjusting locations.

### **Violations of the Administrative Director's Regulations**

As a result of PAR/FCA audits conducted during calendar year 2022, the Audit & Enforcement Unit found and cited 3,053 violations against claims administrators, with administrative penalties totaling \$739,519.00 (**Statewide Exhibit 1**).

Not all administrative penalties are subject to collection. Under the Labor Code, no penalties are assessed on "cited" violations unless the audit subject fails the audit at a specific level.

If an audit subject passes the PAR, which is the first level of audit, no penalties will be assessed, in accordance with Labor Code section 129.5(c)(1). If an audit subject fails the PAR but passes the second level, or FCA stage 1, under Labor Code section 129.5(c)(2), penalties will be assessed for indemnities that were unpaid and paid late, but penalties will not be assessed for violations related to issues of compliance with administrative functions, such as the provision of notices for salary continuation and advice for agreed or qualified medical examination. If an audit subject does not pass the FCA stage 1 audit, the file review will proceed to a full compliance audit of the indemnity files plus a sample of denied claims. For the FCA stage 2 audit, in accordance with Labor Code section 129.5(c)(3), a comprehensive file review is conducted, and penalties are assessed for all violations found.

Penalties assessed for a failed FCA stage 2 audit may be modified relative to the size of the adjusting location to mitigate any inequities for penalty assessment for small and large claims administrators in accordance with CCR, Title 8, section 10111.2(c)(7). **Statewide Exhibit 2** provides a detailed analysis of all penalties assessable, by type, and those cited in 2022. In accordance with Labor Code section 129.5(c) and regulatory authority, the Audit & Enforcement Unit did not assess \$583,860.00 for administrative penalties of the cited violations for 46 of the audits that met or exceeded the PAR/FCA stage 1 audit performance standard. All violations cited in the audit that failed the FCA stage 2 performance standard were assessed. The audit unit assessed penalties subject to collection from claims administrators for FCA audits totaled \$155,659.00.

### **Unpaid Compensation Due to Employees**

Audits conducted in 2022 reveal that 10.81% of the 2,506 claims reviewed had an unpaid indemnity. The DWC Audit & Enforcement Unit issued 271 Notices of Compensation Due with the final audit reports which includes compensation found due in one complaint file and 270 randomly selected files. The compensation found due in the complaint file is not included in Exhibit 4, because it was not part of the random selection of files. Copies of these notices were provided to injured workers in accordance with Labor Code section 129(c).

The total compensation cited for mandatory payment claimants was \$293,928.48 as listed in **Statewide Exhibit 3**. The unpaid compensation can be broken down as follows: \$293,380.48 owed in 2,502 randomly selected claims files, and \$548.00 owed in one complaint claim file submitted to the Audit Unit. An average of \$117.26 unpaid compensation per claim file was found based on the random sample files only. This amount is calculated by dividing the 2,502 randomly selected claim files into compensation found due of \$293,380.48. The average of \$117.26 per file excludes the \$548.00 found due in the complaint file, because the complaint file was not part of the randomly selected files.

Below is the breakdown of compensation due and the percentages for each category:

- \$230,447.60 in TD indemnity and salary continuation in lieu of TD (78.40% of the unpaid compensation)
- \$32,650.56 in PD indemnity (11.11% of the unpaid compensation)
- \$30,813.71 in 10% self-imposed increases for late indemnity payments and unpaid compensation (10.48% of the unpaid

- compensation)
- \$16.61 in interest and penalty other (.01% of the unpaid compensation)
- \$0.00 in death benefits (0% of the unpaid compensation).

When a Notice of Compensation Due is issued with the final audit findings and becomes final, the compensation is due and payable within fifteen (15) days of receipt of the notice. To avoid penalty assessments under Labor Code section 129.5(a)(2) and CCR, Title 8, section 10111.2, payment must be timely, and documentation of payment must be forwarded to the Audit & Enforcement Unit within thirty (30) days of receipt of the notice.

When the Audit Unit finds unpaid compensation due, and the injured worker cannot be located at the time of the audit, the unpaid compensation is payable by the claim's administrator to the Workers' Compensation Administration Revolving Fund. In these instances, the injured worker can apply to the DWC for payment of monies deposited into this fund. In 2022, the Audit Unit collected \$203.44 for this fund.

### **Civil Penalty Issues**

#### **Civil Penalty under Labor Code section 129.5(e)**

A claims administrator identified for a return target audit because of the failure of a PAR/FCA audit conducted in 2003 or later may be subject to a civil penalty under Labor Code section 129.5(e), which reads in part:

In addition to the penalty assessments permitted in subdivision (a), the Administrative Director may assess a civil penalty, not to exceed one hundred thousand dollars (\$100,000), upon finding, after hearing, that an employer, insurer, or third-party administrator for an employer has knowingly committed or has performed with sufficient frequency to indicate any of the following as a general business practice:

- (1) Induced employees to accept less than compensation due or made it necessary for employees to resort to proceedings against the employer to secure compensation due
- (2) Refused to comply with known and legally indisputable compensation obligations
- (3) Discharged or administered compensation obligations in a dishonest manner
- (4) Discharged or administered compensation obligations in a manner as to cause injury to the public or those dealing with the employer or insurer.

Any employer, insurer, or third-party administrator that fails to meet the FCA performance standards in two consecutive full compliance audits shall be presumed to have engaged in a general business practice of discharging and administering its compensation obligations in a manner causing financial injury to those already dealing with job related injury or illness.

In 2022, the DWC Audit Civil Penalty Unit conducted eight additional audits based on credible referrals and/or complaints filed with the Audit Unit. These audits cited 76 claim file violations subject to \$19,300.00 in administrative penalties and 24 Utilization Review investigations violations subject to \$35,650.00 in administrative penalties totaling \$54,950.00 in collected penalties from claims administrators for civil penalty assessments (**Statewide Exhibit 5**). The information found in these audits are not included in the exhibits 1 through 4 of this report because these audits are in addition to the routine PAR/Target audits that are defined on page one of this report.

## **Other Issues**

### ***Annual Report of Inventory***

CCR, Title 8, section 10104 requires claims administrators to file an annual report of inventory (ARI) with the Administrative Director (more specifically, with the Audit & Enforcement Unit) for all claims reported to each of their adjusting locations in the prior calendar year. The report is due by April 1 for any location adjusting California workers' compensation claims and must be filed even if no claims were reported in the prior year. The Audit Unit monitors the claims inventory for 362 active adjusting locations operating in California. In 2022, the Audit staff provided claims training workshops to 44 Claims Administrators' locations. In addition to the 48 routine PAR/Target audits and the 8 Civil Penalty audits, the Audit Unit conducted 41 routine Utilization Review Administrator (URA) investigations of Claims Administrators, and results of these investigations were published in February 2023 on the DWC Audit website (<https://www.dir.ca.gov/dwc/UtilizationReview/URA/2022/Index.htm>).

From the 41 routine URA Investigations, the Audit Unit cited \$13,600.00 in penalties and collected \$2,000.00 in mandatory penalties (**Statewide Exhibit 5**).

The DWC Audit & Enforcement Unit reviews, logs and tracks all complaints. In 2022, the Audit Unit tracked and logged 814 complaints. The Audit Unit submits all complaints to claims administrators for investigation and response to the Audit Unit within thirty days, except for complaints marked "confidential" (claims files for complaints marked confidential are reviewed by the Audit Supervisor for possible



target audit action, and the complaint claim file is reviewed at the time of the audit).

The Audit Unit reviewed all claims administrator responses to determine whether further target or audit action was needed. In 2022, the Audit Unit tracked recoveries, which are additional payments and penalties issued to workers' compensation claimants and providers as a result of a complaint filed with the Audit Unit. The Audit Unit collected \$6,323,818.87 in additional payments to claimants and providers (**Statewide Exhibit 5**).

### **Profile Audit Performance Standards/Full Compliance Audit Standards for 2022**

The PAR and FCA performance standards have been updated pursuant to Labor Code section 129(b) and CCR, Title 8, sections 10107.1(c), (d), and (e). This was accomplished by taking the 2021 audit results and using the performance ratings for the five factors subject to the PAR program. The results were then combined with performance ratings from 2019 and 2020 to develop the ratings for 2022 (as noted earlier, the lower the number, the better the rating). The Audit Unit continues to act as a deterrent to poor claims handling and works to ensure that injured workers receive their workers' compensation benefits.

## **Description of Statewide Exhibits**

Statewide ([Exhibit 1](#)). Audit Penalty Assessments and Collections is a listing of audits conducted in 2022. It summarizes all files audited by type, the number and amount of penalties, the amount collected, the balance due, and the number of appeals.

Statewide ([Exhibit 2](#)). Summary of Penalties for PAR/FCA Audits describes and separates the schedule of administrative penalties described in CCR, Title 8, section 10111.2 into various categories showing the total and the amount of assessable administrative penalties in this statewide audit finding.

Statewide ([Exhibit 3](#)). Statewide Summary of Notices of Compensation Due gives, by type of indemnity, the amount of unpaid compensation found in the 305 audited claims for which notices of compensation due were issued.

Statewide ([Exhibit 4](#)). The DWC Administrative Director's 2022 Audit Ranking Report is issued in accordance with Labor Code section 129(e). The report ranks all insurers, self-insured employers, and TPA audited during 2022 according to their performance measured by the PAR and FCA performance standards.

Statewide ([Exhibit 5](#)). Additional 2022 Audit Results includes Civil Penalty Audits, Utilization Review Investigations, and Complaint Recoveries.

**Calendar Year 2022**

**Statewide Exhibit 1**

	Audit Subject & Location	R / T	INS/ SI/ TPA	Number of Files Audited					# of AP's Cited	Total \$ Violations Identified	\$ Not Subject to Assessment	Total \$ Subject to Assessment	Balance \$ Due	Appeals	
				I	D	C	A	Total						Y	N
	<b>PAR/FCA Audits</b>										\$ -				
1	Allianz US Insurance Company / O'Fallon, MO	R	INS	108	31	0	0	139	63	\$ 138,999.00	\$ -	\$ 138,999.00	\$ -		X
2	AmTrust North America / San Diego	R	INS	58	0	0	0	58	55	\$ 29,505.00	\$ 29,505.00	\$ -	\$ -		X
3	Argonaut Insurance Group / San Francisco	T	INS	12	0	0	0	12	14	\$ 1,555.00	\$ 1,555.00	\$ -	\$ -		X
4	Berkshire Hathaway Homestate Companies / San Diego	R	INS/TPA	59	0	0	0	59	50	\$ 13,775.00	\$ 13,775.00	\$ -	\$ -		X
5	California Fair Services Authority / Sacramento	R	SI	12	0	0	0	12	10	\$ 1,845.00	\$ 1,845.00	\$ -	\$ -		X
6	Chubb LTD / Los Angeles	T	INS	58	0	0	0	58	90	\$ 16,765.00	\$ 16,765.00	\$ -	\$ -		X
7	Church Mutual Insurance Company / Merrill, WI	R	INS	53	0	0	0	53	79	\$ 22,775.00	\$ 22,775.00	\$ -	\$ -		X
8	City of Burbank / Burbank	T	INS	43	0	0	0	43	40	\$ 7,085.00	\$ 7,085.00	\$ -	\$ -		X
9	City of Compton / Compton	R	SI	17	0	0	0	17	17	\$ 715.00	\$ 715.00	\$ -	\$ -		X
10	City of Redding / Redding	R	SI	39	0	0	0	39	43	\$ 5,575.00	\$ 5,575.00	\$ -	\$ -		X
11	City of Riverside / Riverside	R	SI	46	0	0	0	46	69	\$ 8,355.00	\$ 8,355.00	\$ -	\$ -		X
12	City of San Diego / San Diego	R	SI	57	0	0	0	57	76	\$ 6,300.00	\$ 6,300.00	\$ -	\$ -		X
13	County of Kern / Bakersfield	R	SI	53	0	0	0	53	21	\$ 1,690.00	\$ 1,690.00	\$ -	\$ -		X
14	E&J Gallo Winery / Modesto	R	SI	89	0	0	0	89	62	\$ 21,130.00	\$ 4,470.00	\$ 16,660.00	\$ -		X
15	Elite Claims Management, Inc. / Temecula	R	TPA	52	0	0	0	52	86	\$ 13,990.00	\$ 13,990.00	\$ -	\$ -		X
16	ESIS / Chatsworth	R	TPA	59	0	0	0	59	99	\$ 25,425.00	\$ 25,425.00	\$ -	\$ -		X
17	ESIS / San Diego	R	TPA	23	0	0	0	23	39	\$ 8,755.00	\$ 8,755.00	\$ -	\$ -		X
18	Farmers Insurance Exchange / Phoenix, AZ	R	INS	42	0	0	0	42	60	\$ 17,190.00	\$ 17,190.00	\$ -	\$ -		X
19	Gallagher Bassett Services / Glendale	R	TPA	58	0	0	0	58	86	\$ 14,895.00	\$ 14,895.00	\$ -	\$ -		X
20	Gallagher Bassett Services #164 / Rancho Cucamonga	R	TPA	58	0	0	0	58	95	\$ 26,685.00	\$ 26,685.00	\$ -	\$ -		X
21	Insurance Company of the West / Woodland Hills	R	INS	57	0	0	0	57	28	\$ 14,485.00	\$ 14,485.00	\$ -	\$ -		X
22	Intercare Holding Insurance Services, Inc. / Rocklin	R	TPA	59	0	0	0	59	54	\$ 5,655.00	\$ 5,655.00	\$ -	\$ -		X
23	Keenan & Associates / Riverside	R	TPA	58	0	2	0	60	41	\$ 15,160.00	\$ 15,160.00	\$ -	\$ -	X	
24	Liberty Mutual Ins. Grp. And Helmsman Management Services / Rocklin	R	INS/TPA	59	0	0	0	59	47	\$ 12,945.00	\$ 12,945.00	\$ -	\$ -		X
25	Loma Linda University Health / San Bernardino	R	SI	55	0	0	0	55	23	\$ 4,035.00	\$ 4,035.00	\$ -	\$ -		X
26	LWP Claims Solutions, Inc. / Glendale	R	TPA	56	0	0	0	56	92	\$ 22,070.00	\$ 22,070.00	\$ -	\$ -		X
27	Nationwide Agribusiness Insurance Company / Des Moines, IA	T	INS	53	0	0	0	53	68	\$ 14,500.00	\$ 14,500.00	\$ -	\$ -		X
28	OccuSure Claims Services, LLC / Franklin, TN	T	INS/TPA	23	0	0	0	23	41	\$ 7,605.00	\$ 7,605.00	\$ -	\$ -		X
29	Omaha National Underwriters, LLC / Omaha, NE	R	INS/TPA	57	0	0	0	57	128	\$ 27,515.00	\$ 27,515.00	\$ -	\$ -		X
30	Pacific Compensation Insurance Company / Westlake Village	R	INS	59	0	0	0	59	56	\$ 20,435.00	\$ 20,435.00	\$ -	\$ -		X
31	Sedgwick Claims Management Services / West Hills	R	TPA	58	0	0	0	58	71	\$ 20,280.00	\$ 20,280.00	\$ -	\$ -		X
32	Sedgwick Claims Management Services / San Diego	R	TPA	58	0	0	0	58	53	\$ 18,385.00	\$ 18,385.00	\$ -	\$ -		X
33	Sedgwick Claims Management Services / Orange	R	TPA	59	0	0	0	59	58	\$ 11,815.00	\$ 11,815.00	\$ -	\$ -		X
34	Sedgwick Claims Management Services / Rancho Cordova	R	TPA	59	0	1	0	60	25	\$ 4,945.00	\$ 4,945.00	\$ -	\$ -		X
35	Sedgwick Claims Management Services / Long Beach	R	TPA	59	0	0	0	59	61	\$ 16,740.00	\$ 16,740.00	\$ -	\$ -		X
36	Self-Insured Schools of CA / Bakersfield	R	INS/TPA	56	0	0	0	56	56	\$ 4,190.00	\$ 4,190.00	\$ -	\$ -		X
37	Solar Turbines, Inc. / Superior Gear / San Diego	R	SI	14	0	0	0	14	16	\$ 4,965.00	\$ 4,965.00	\$ -	\$ -		X
38	State Compensation Insurance Fund / Fresno	R	INS	58	0	0	0	58	29	\$ 13,305.00	\$ 13,305.00	\$ -	\$ -		X

Audit Subject & Location	R / T	INS/ SI/ TPA	Number of Files Audited					# of AP's Cited	Total \$ Violations Identified	\$ Not Subject to Assessment	Total \$ Subject to Assessment	Balance \$ Due	Appeals	
			I	D	C	A	Total						Y	N
<b>PAR/FCA Audits</b>														
39 State Compensation Insurance Fund - MCO / Santa Ana	R	INS	55	0	0	0	55	27	\$ 13,810.00	\$ 13,810.00	\$ -	\$ -		X
40 State Compensation Insurance Fund - State Contract Claims / Riverside	R	TPA	56	0	0	0	56	40	\$ 14,805.00	\$ 14,805.00	\$ -	\$ -		X
41 Sutter Health / Sacramento	R	SI	58	0	0	0	58	12	\$ 2,700.00	\$ 2,700.00	\$ -	\$ -		X
42 The American Equity Underwriters, Inc. / Metairie, LA	T	INS	15	0	0	0	15	19	\$ 2,930.00	\$ 2,930.00	\$ -	\$ -		X
43 The Travelers Companies, Inc. / Constitution State Services LLC / Diamond Bar	R	INS/TPA	59	0	1	0	60	51	\$ 23,140.00	\$ 23,140.00	\$ -	\$ -		X
44 The Walt Disney Company / Anaheim	R	SI	57	0	0	0	57	94	\$ 25,785.00	\$ 25,785.00	\$ -	\$ -		X
45 Tokio Marine America Insurance Company / Pasadena	R	INS	54	0	0	0	54	34	\$ 3,025.00	\$ 3,025.00	\$ -	\$ -		X
46 Tristar Risk Management / Fresno	R	TPA	56	0	0	0	56	16	\$ 5,535.00	\$ 5,535.00	\$ -	\$ -		X
47 Workers' Compensation Administrators, LLC / Santa Maria	R	TPA	50	0	0	0	50	12	\$ 1,730.00	\$ 1,730.00	\$ -	\$ -		X
48 Zurich North America and Zurich Services Corporation / Woodland Hills	R	INS/TPA	58	0	0	0	58	79	\$ 24,020.00	\$ 24,020.00	\$ -	\$ -		X
			2,471	31	4	0	2,506	3,053	\$ 739,519.00	\$ 583,860.00	\$ 155,659.00	\$ -		

R - Routine 42  
T - Target 6  
TOTAL 48

INS Insurer 14  
SI Self-Insured Employer 11  
TPA Third-Party Administrator 16  
INS/TPA Insurer/Third-Party Administrator 7  
TOTAL 48

**Statewide Summary of Penalties for PAR/FCA Audits**

**Cited by Type of Penalty**

Type of Violation	# of Violations Cited	Total \$ Violations Cited	\$ Not Subject to Assessment	Total \$ Subject to Assessment	Total \$ Amount Collected	Appeal
Late first payment of temporary disability indemnity benefits. (TD)	528	\$201,517.00	\$165,045.00	\$36,472.00	\$36,472.00	N
Late first payment of permanent disability indemnity benefits (PD).	37	\$24,130.00	\$21,430.00	\$2,700.00	\$2,700.00	N
Late subsequent payment of indemnity benefits.	451	\$117,746.00	\$99,780.00	\$17,966.00	\$17,966.00	N
Late first payment of death benefits (DB).	0	\$0.00	\$0.00	\$0.00	\$0.00	N
Failure to issue benefit notices other than specific notices for denial of liability.	41	\$5,200.00	\$1,000.00	\$4,200.00	\$4,200.00	N
Late provision of benefit notices other than specific notices for denial of injury.	143	\$8,121.00	\$6,875.00	\$1,246.00	\$1,246.00	N
Failure to comply with requirements to provide notice of the QME/AME process.	1,255	\$144,260.00	\$128,160.00	\$16,100.00	\$16,100.00	
Failure to pay any TD or SC in lieu of TD.	227	\$172,160.00	\$133,740.00	\$38,420.00	\$38,420.00	Y
Failure to pay any PD indemnity benefit.	15	\$12,300.00	\$9,880.00	\$2,420.00	\$2,420.00	Y
Failure to pay any 10% self-imposed increase for any late paid indemnity benefits.	111	\$20,090.00	\$15,350.00	\$4,740.00	\$4,740.00	N
Failure to pay any indemnity as ordered by the WCAB.	2	\$800.00	\$800.00	\$0.00	\$0.00	N
Failure to pay any other indemnity, including but not limited to failure to pay any interest on a WCAB Order or Award; failure to pay DB.	2	\$1,800.00	\$1,800.00	\$0.00	\$0.00	N

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**Cited by Type of Penalty**

Type of Violation	# of Violations Cited	Total \$ Violations Cited	\$ Not Subject to Assessment	Total \$ Subject to Assessment	Total \$ Amount Collected	Appeal
Failure to pay or object to medical treatment expense in the manner required by law or regulation.	36	\$10,640.00	\$0.00	\$10,640.00	\$10,640.00	N
Failure to pay or object to medical-legal expense in the manner required by law or regulation.	0	\$0.00	\$0.00	\$0.00	\$0.00	N
Failure to issue training or SJDB voucher (injuries on/after 01/01/04) in the manner required by law or regulation.	0	\$0.00	\$0.00	\$0.00	\$0.00	N
Failure to provide notices denying all liability or death benefits as required.	1	\$700.00	\$0.00	\$700.00	\$700.00	N
Failure to timely respond to a request to provide or authorize medical treatment.	0	\$0.00	\$0.00	\$0.00	\$0.00	N
Failure to include specific items or properly designate entries on a claim log.	77	\$6,510.00	\$0.00	\$6,510.00	\$6,510.00	N
Materially incomplete or inaccurate benefit notices including denial for all liability.	95	\$3,325.00	\$0.00	\$3,325.00	\$3,325.00	N
Failure to investigate.	2	\$2,800.00	\$0.00	\$2,800.00	\$2,800.00	N
Failure to fully or timely comply with any award or order of the WCAB for issues other than payment of indemnity under 8CCR§10111.2(a).	1	\$3,360.00	\$0.00	\$3,360.00	\$3,360.00	N
Penalties for failure to comply with any regulation of the AD not otherwise assessed.	29	\$4,060.00	\$0.00	\$4,060.00	\$4,060.00	N
Unsupported denial of all liability for a claim.	0	\$0.00	\$0.00	\$0.00	\$0.00	N
<b>TOTAL</b>	<b>3,053</b>	<b>\$739,519.00</b>	<b>\$583,860.00</b>	<b>\$155,659.00</b>	<b>\$155,659.00</b>	

Administrative penalties assessed pursuant to Labor Code Section 129.5(c) and regulatory authority.

**Statewide Summary of  
271 Notices of Compensation Due**

<b>Type of Compensation</b>	<b>Amount Found Due</b>
Temporary Disability	\$ 230,447.60
Permanent Disability	\$ 32,650.56
Self-Imposed Increase	\$ 30,813.71
Death Benefits	\$ -
Penalty, Interest or Other	\$ 16.61
<b>Total Compensation Due:</b>	<b>\$ 293,928.48</b>

**2022 Calendar Audit Ranking**

**Routine and Target Audits conducted pursuant to Labor Code Sections 129(b)(1)(2)(3), and 129.5(c)(1)(2)(3)**

The following audit subjects under the Profile Audit Review (LC 129) met or exceeded the PAR standard (1.68032 or less). All administrative penalties were not assessed pursuant to Labor Code Section 129.5(c)(1). The unpaid compensation found due to injured workers within each claim file was ordered paid.

(Rankings from the best to the worst performers)

**Unpaid Compensation All Claim Files: \$293,928.48**

<b>AUDIT SUBJECT / LOCATION</b>	<b>PAR Standard 1.68032</b>	<b>F Stage 1 Standard 1.95657</b>	<b>F Stage 2 Final Rating</b>	<b>Unpaid Compensation</b>
1. Sutter Health / Sacramento	0.20757	0	0.20757	0 / \$0
2. Workers' Compensation Administrators, LLC / Santa Maria	0.28894	0	0.28894	1 / \$136.72
3. Tristar Risk Management / Fresno	0.32319	0	0.32319	1 / \$5,209.7
4. Loma Linda University Health / San Bernardino	0.34247	0	0.34247	8 / \$2,153.67
5. Sedgwick Claims Management Services / Rancho Cordova	0.35258	0	0.35258	3 / \$850.16
6. Insurance Company of the West / Woodland Hills, CA	0.45738	0	0.45738	4 / \$2,455.69
7. County of Kern / Bakersfield	0.54363	0	0.54363	1 / \$208.73
8. Tokio Marine America Insurance Company / Pasadena	0.62056	0	0.62056	0 / \$0
9. Self Insured Schools of CA / Bakersfield	0.70949	0	0.70949	3 / \$470.96
10. State Compensation Insurance Fund - State Contract Claims / Riverside	0.72105	0	0.72105	2 / \$342.25
11. Liberty Mutual Ins. Grp. And Helmsman Management Services / Rocklin	0.73811	0	0.73811	5 / \$1,001.57
12. California Fair Services Authority / Sacramento	0.74525	0	0.74525	2 / \$366.53
13. State Compensation Insurance Fund / Fresno	0.77021	0	0.77021	7 / \$10,520.9
14. Intercare Holding Insurance Services, Inc. / Rocklin	0.82483	0	0.82483	3 / \$812.9
15. City of Redding / Redding	0.83442	0	0.83442	1 / \$29.24
16. Sedgwick Claims Management Services / Long Beach	0.89768	0	0.89768	4 / \$11,387.45
17. Keenan & Associates / Riverside	0.91091	0	0.91091	6 / \$4,856.97
18. Berkshire Hathaway Homestate Companies / San Diego	0.9188	0	0.9188	8 / \$4,745.01
19. City of Burbank / Burbank	0.94736	0	0.94736	1 / \$408.39
20. State Compensation Insurance Fund - MCO / Santa Ana	0.95871	0	0.95871	5 / \$20,776.29



<b>AUDIT SUBJECT / LOCATION</b>	<b>PAR Standard 1.68032</b>	<b>F Stage 1 Standard 1.95657</b>	<b>F Stage 2 Final Rating</b>	<b>Unpaid Compensation</b>
21. Sedgwick Claims Management Services / West Hills	1.00382	0	1.00382	9 / \$3,880.89
22. The Travelers Companies, Inc. / Constitution State Services LLC / Diamond Bar	1.04124	0	1.04124	5/ \$8,824.70
23. Argonaut Insurance Group / San Francisco	1.04508	0	1.04508	1 / \$31.82
24. The American Equity Underwriters, Inc. / Metairie, LA	1.04762	0	1.04762	0 / \$0
25. Sedgwick Claims Management Services / Orange	1.08227	0	1.08227	11 / \$8,927.87
26. City of Compton / Compton	1.09559	0	1.09559	0 / \$0
27. LWP Claims Solutions, Inc. / Glendale	1.19597	0	1.19597	6 / \$4,608.8
28. Pacific Compensation Insurance Company / Westlake Village	1.2464	0	1.2464	5 / \$4,324.24
29. Chubb LTD / Los Angeles	1.29414	0	1.29414	7 / \$5,207.42
30. City of Riverside / Riverside	1.32256	0	1.32256	3 / \$4,314.61
31. Zurich North America and Zurich Services Corporation / Woodland Hills	1.33401	0	1.33401	7 / \$4,183.05
32. City of San Diego / San Diego	1.33538	0	1.33538	2 / \$297.54
33. Elite Claims Management, Inc. / Temecula	1.36425	0	1.36425	4 / \$6,402.73
34. Gallagher Bassett Services / Glendale	1.376	0	1.376	11 / \$6,603.95
35. AmTrust North America / San Diego	1.38678	0	1.38678	7 / \$20,676.26
36. OccuSure Claims Services, LLC / Franklin, TN	1.40985	0	1.40985	4 / \$1,806.62
37. ESIS / San Diego	1.45039	0	1.45039	3 / \$1,540.27
38. Farmers Insurance Exchange / Phoenix, AZ	1.45146	0	1.45146	4 / \$14,380.8
39. Solar Turbines, Inc. / Superior Gear / San Diego	1.49016	0	1.49016	2 / \$4,710.47
40. Church Mutual Insurance Company / Merrill, WI	1.54141	0	1.54141	4 / \$8,007.84
41. Gallagher Bassett Services #164 / Rancho Cucamonga	1.5679	0	1.5679	12 / \$10,343.74
42. Nationwide Agribusiness Insurance Company / Des Moines, IA	1.57376	0	1.57376	10 / \$3,587.63
43. ESIS / Chatsworth	1.61306	0	1.61306	10 / \$6,588.49
44. Sedgwick Claims Management Services / San Diego	1.62533	0	1.62533	10 / \$20,944.78
45. The Walt Disney Company / Anaheim	1.64683	0	1.64683	8 / \$4,537.55
46. Omaha National Underwriters, LLC / Omaha, NE	1.67631	0	1.67631	5 / \$1,177.33

Two audit subjects under the Profile Audit Review (LC 129) failed to meet or exceed the PAR standard (1.68032 or less). The audit proceeded to the Full Compliance Audit Stage 1 [LC 129(b)(2)] and one of the two met or exceeded the Full Compliance Audit Stage 1 standard (1.95657 or less). Administrative penalties pursuant to Labor Code 129.5(c)(2) were assessed and unpaid compensation found due injured workers within each claim file was ordered paid.

<b>AUDIT SUBJECT / LOCATION</b>	<b>PAR Standard 1.68032</b>	<b>F Stage 1 Standard 1.95657</b>	<b>F Stage 2 Final Rating</b>	<b>Unpaid Compensation</b>
47. E&J Gallo Winery / Modesto	3.31312	1.9109	1.9109	34 / \$24,167.01

One audit subject under the Profile Audit Review (LC 129) failed to meet or exceed the PAR standard (1.68032 or less) and proceeded to the Full Compliance Audit Stage 1 [LC 129(b)(2)], where they failed to meet or exceed the Full Compliance Audit Stage 1 standard (1.95657 or less). The audit then extended to the Full Compliance Audit Stage 2 [LC 129(b)(2)] for a comprehensive and detailed review of the audit subject's performance. Administrative penalties pursuant to Labor Code 129.5(c)(3) were assessed and unpaid compensation found due to injured workers within each claim file was ordered paid.

<b>AUDIT SUBJECT / LOCATION</b>	<b>PAR Standard 1.68032</b>	<b>F Stage 1 Standard 1.95657</b>	<b>F Stage 2 Final Rating</b>	<b>Unpaid Compensation</b>
48. Allianz US Insurance Company / O'Fallon, MO	2.55455	2.97995	2.97995	21 / \$46,570.94

**Statewide Exhibit 5  
Additional 2022 Audit Results (new data):**

**2022 Civil Penalty Audits  
(8 additional audits)**

<b>Violations</b>	<b>Penalties Collected</b>
76 Claim file violations	\$19,300 in admin penalties
24 URA violations	\$35,650 in admin penalties
Grand Total in Penalties:	\$54,950

**2022 Utilization Review Administrator (URA) Investigations  
Of Claims Administrators 41 routine URA Investigations\***

<b>Cited Penalties</b>	<b>Collected Penalties</b>
\$13,600	\$2,000

*\*For an in-depth review, please visit the website to see published results.  
([DWC utilization review investigation results \(ca.gov\)](https://www.dir.ca.gov/dwc/UtilizationReviewInvestigationResults.htm))*

**2022 Audit & Enforcement Unit: Tracked/Logged Complaints**

<b>Complaints Logged</b>	<b>Payments Collected</b>
814	\$6,323,818.87