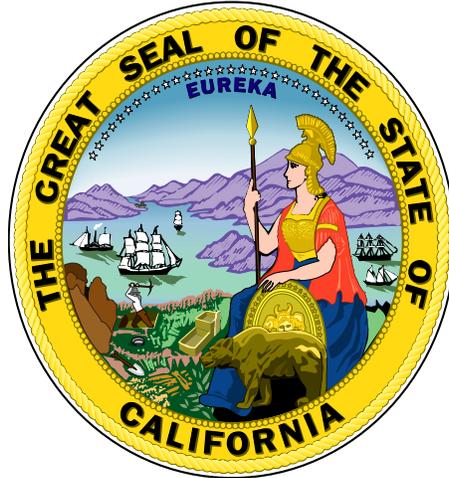


The California Commission on Health and Safety and Workers' Compensation



Selected Indicators in Health and Safety and Workers' Compensation: 2010 Report Card for California

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INTRODUCTION

As part of its mandate to conduct a continuing examination of California's health and safety and workers' compensation systems, the California Commission on Health and Safety and Workers' Compensation (CHSWC) is pleased to present an updated report, "Selected Indicators in Workers' Compensation: 2010 Report Card for California," summarizing key information.

This Report Card is a compilation of data from and for the entire workers' compensation community. It is intended to be a reference for monitoring the ongoing system and serve as an empirical basis for proposing improvements.

The Report Card will be continually updated as needed. The online Report Card, available at the CHSWC website, www.dir.ca.gov/chswc, will reflect the latest available information.

This information was compiled by CHSWC from data derived from many sources, including:

- California Department of Insurance (CDI)
- Workers' Compensation Insurance Rating Bureau of California (WCIRB)
- California Workers' Compensation Institute (CWCI)
- National Association of Social Insurance (NASI)
- United States Bureau of Labor Statistics (BLS)
- California Labor and Workforce Development Agency (LWDA)
 - Department of Industrial Relations (DIR)
 - Division of Workers' Compensation (DWC)
 - Division of Labor Standards Enforcement (DLSE)
 - Division of Occupational Safety and Health (DOSH)
 - Division of Labor Statistics and Research (DLSR)
 - Office of Self Insurance Plans (OSIP)
- CHSWC studies of permanent disability by RAND
- CHSWC studies by the University of California at Berkeley (UC Berkeley)

CHSWC would appreciate comments on this Report Card and suggestions for including other data. We wish to provide a useful tool for the community.

CHSWC appreciates the cooperation of the entire California workers' compensation community for their assistance in this and other endeavors.

WORKERS' COMPENSATION PREMIUMS

Pure Premium Advisory Rates

Minimum Rate Law and Open Rating

In 1993, workers' compensation reform legislation repealed California's 80-year-old minimum rate law and replaced it beginning in 1995 with an open-competition system of rate regulation in which insurers set their own rates based on "pure premium advisory rates" developed by the Workers' Compensation Insurance Rating Bureau (WCIRB). These rates, approved by the Insurance Commissioner (IC) and subject to annual adjustment, are based on historical loss data for more than 500 job categories.

Under this "open rating" system, these recommended, non-mandatory pure premium rates are intended to cover the average costs of benefits and loss adjustment expenses for all employers in an occupational class and thus provide insurers with benchmarks for pricing their policies. Insurers typically file rates that are intended to cover other costs and expenses, including unallocated loss adjustment expenses.

The chart on the following pages shows the history of the workers' compensation pure premium advisory rates since the 1993 reforms.

**Advisory Workers' Compensation Pure Premium Rates
A History Since the 1993 Reform Legislation**

Page 1 of 7

1993

Insurance Commissioner approval:

Pure premium rate reduction of 7 percent effective July 16, 1993, due to a statutory mandate.

1994

WCIRB recommendation:

No change in pure premium rates.

Insurance Commissioner approval:

Two pure premium rate decreases: a decrease of 12.7 percent effective January 1, 1994; and a second decrease of 16 percent effective October 1, 1994.

1995

WCIRB recommendation:

A 7.4 percent decrease from the pure premium rates that were in effect on January 1, 1994.

Insurance Commissioner approval:

A total of 18 percent decrease to the premium rates in effect on January 1, 1994, approved effective January 1, 1995 (including the already approved 16 percent decrease effective October 1, 1994).

1996

WCIRB recommendation:

An 18.7 percent increase in pure premium rates.

Insurance Commissioner approval:

An 11.3 percent increase effective January 1, 1996.

1997

WCIRB recommendation:

A 2.6 percent decrease in pure premium rates.

Insurance Commissioner approval:

A 6.2 percent decrease effective January 1, 1997.

1998

WCIRB recommendation:

The initial recommendation for a 1.4 percent decrease was later amended to a 0.5 percent increase.

Insurance Commissioner approval:

A 2.5 percent decrease effective January 1, 1998.

1999

WCIRB recommendation:

The WCIRB initial recommendation of a 3.6 percent pure premium rate increase for 1999 was later amended to a recommendation for a 5.8 percent increase.

Insurance Commissioner approval:

No change in pure premium rates in 1999.

**Advisory Workers' Compensation Pure Premium Rates
A History since the 1993 Reform Legislation**

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2000

WCIRB recommendation:

An 18.4 percent increase in the pure premium rate for 2000.

Insurance Commissioner approval:

An 18.4 percent increase effective January 1, 2000.

2001

WCIRB recommendations:

The WCIRB initial recommendation of a 5.5 percent increase in the pure premium rate was later amended to a recommendation for a 10.1 percent increase.

Insurance Commissioner approval:

A 10.1 percent increase effective January 1, 2001.

January 1, 2002

WCIRB recommendations:

The WCIRB initial recommendation of a 9 percent increase in the pure premium rate was later amended to a recommendation for a 10.2 percent increase effective January 1, 2002.

Insurance Commissioner approval:

The Insurance Commissioner approved a 10.2 percent increase effective January 1, 2002.

April 1, 2002

WCIRB recommendations:

On January 16, 2002, the WCIRB submitted recommended changes to the California Workers' Compensation Uniform Statistical Reporting Plan – 1995, effective March 1, 2002 and the California Workers' Compensation Experience Rating Plan – 1995, effective April 1, 2002, related to insolvent insurers and losses associated with the September 11, 2001, terrorist actions. No increase in advisory premium rates was proposed.

Insurance Commissioner approval:

The Insurance Commissioner approved the WCIRB's requests effective April 1, 2002.

July 1, 2002

WCIRB recommendation:

The WCIRB filed a mid-term recommendation that pure premium rates be increased by 10.1 percent effective July 1, 2002, for new and renewal policies with anniversary rating dates on or after July 1, 2002.

Insurance Commissioner approval:

On May 20, 2002, the Insurance Commissioner approved a mid-term increase of 10.1 percent effective July 1, 2002.

January 1, 2003

WCIRB recommendations:

On July 31, 2002, the WCIRB proposed an average increase in pure premium rates of 11.9 percent for 2003. On September 16, 2002, the WCIRB amended the proposed 2003 pure premium rates submitted to the California Department of Insurance (CDI). Based on updated loss experience valued as of June 30, 2002, the WCIRB proposed an average increase of 13.4 percent in pure premium rates to be effective on January 1, 2003, and later policies.

**Advisory Workers' Compensation Pure Premium Rates
A History since the 1993 Reform Legislation**

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January 1, 2003

Insurance Commissioner approval:

On October 18, 2002, the Insurance Commissioner approved a 10.5 percent increase in pure premium rates applicable to policies with anniversary rating dates in 2003. This increase takes into account the increases in workers' compensation benefits enacted by AB 749 for 2003.

July 1, 2003

WCIRB recommendation:

The WCIRB filed a mid-term recommendation on April 2, 2003, that pure premium rates be increased by 10.6 percent effective July 1, 2003, for policies with anniversary dates on or after July 1, 2003.

Insurance Commissioner approval:

The Insurance Commissioner approved a 7.2 percent increase in pure premium rates applicable to new and renewal policies with anniversary rating dates on or after July 1, 2003.

January 1, 2004

WCIRB recommendations:

On July 30, 2003, the WCIRB proposed an average increase in advisory pure premium rates of 12.0 percent to be effective on January 1, 2004, for new and renewal policies with anniversary rating dates on or after January 1, 2004.

The original WCIRB filing of an average increase of 12 percent on July 30, 2003, was later amended on September 29, 2003, to an average decrease of 2.9 percent to reflect the WCIRB's initial evaluation of AB 227 and SB 228.

In an amended filing made on November 3, 2003, the WCIRB recommended that pure premium rates be reduced, on average, from 2.9 percent to 5.3 percent.

Insurance Commissioner approval:

On November 7, 2003, the Insurance Commissioner approved a 14.9 percent decrease in advisory pure premium rates applicable to new and renewal policies with anniversary rating dates on or after January 1, 2004.

July 1, 2004

WCIRB recommendation:

On May 13, 2004, the WCIRB proposed advisory pure premium rates that are a 2.9 percent decrease from the January 1, 2004, approved pure premium rates. These rates reflect the WCIRB's analysis of the impact of provisions of SB 899 on advisory pure premium rates.

Insurance Commissioner approval:

In a decision issued May 28, 2004, the Insurance Commissioner approved a 7.0 percent decrease in pure premium rates, effective July 1, 2004, with respect to new and renewal policies, as compared to the approved January 1, 2004, pure premium rates.

January 1, 2005

WCIRB recommendation:

On July 28, 2004, the WCIRB proposed advisory premium rates applicable to new and renewal policies with anniversary rating dates on or after January 1, 2005, that are, on average, 3.5 percent greater than the July 1, 2004, advisory pure premium rates approved by the Insurance Commissioner.

Insurance Commissioner approval:

In a decision issued November 17, 2004, the Insurance Commissioner approved a total 2.2 percent decrease in advisory pure premium rates applicable to new and renewal policies with anniversary rating dates on or after January 1, 2005.

**Advisory Workers' Compensation Pure Premium Rates
A History since the 1993 Reform Legislation**

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July 1, 2005

WCIRB recommendations:

On March 25, 2005, the WCIRB submitted a filing to the California Insurance Commissioner recommending a 10.4 percent decrease in advisory pure premium rates effective July 1, 2005, on new and renewal policies.

On May 19, 2005, in recognition of the cost impact of the new Permanent Disability Rating Schedule adopted pursuant to SB 899, the WCIRB amended its recommendation. In lieu of the 10.4 percent reduction originally proposed in March, the WCIRB recommended a 13.8 percent reduction in pure premium rates effective July 1, 2005. In addition, the WCIRB recommended a 3.8 percent reduction in the pure premium rates effective July 1, 2005, with respect to the outstanding portion of policies incepting January 1, 2005, through June 30, 2005.

Insurance Commissioner approval:

On May 31, 2005, the Insurance Commissioner approved an 18 percent decrease in advisory pure premium rates effective July 1, 2005, applicable to new and renewal policies with anniversary rating dates on or after July 1, 2005. As a result of the change in pure premium rates, the experience rating eligibility threshold was reduced to \$23,288. The Insurance Commissioner also approved a 7.9 percent decrease in pure premium rates, effective July 1, 2005, applicable to policies that are outstanding as of July 1, 2005. The reduction in pure premium rates applicable to these policies reflects the estimated impact on the cost of benefits of the new Permanent Disability Rating Schedule.

January 1, 2006

WCIRB recommendations:

On July 28, 2005, the WCIRB submitted to the California Insurance Commissioner a proposed 5.2 percent average decrease in advisory pure premium rates as well as changes to the California Workers' Compensation Uniform Statistical Reporting Plan -1995 and the California Workers' Compensation Experience Rating Plan - 1995.

On September 15, 2005, the WCIRB amended its filing to propose an average 15.9 percent decrease in pure premium rates based on insurer loss experience valued as of June 30, 2005, and a re-evaluation of the cost impact of the January 1, 2005 Permanent Disability Rating Schedule.

Insurance Commissioner approval:

On November 10, 2005, the Insurance Commissioner approved an average 15.3 percent decrease in advisory pure premium rates effective January 1, 2006, applicable to new and renewal policies with anniversary rating dates on or after January 1, 2006. As a result of the change in pure premium rates, the experience rating eligibility threshold was reduced to \$20,300.

July 1, 2006

WCIRB recommendations:

On March 24, 2006, the WCIRB submitted a rate filing to the California Department of Insurance recommending a 16.4 percent decrease in advisory pure premium rates to be effective on policies incepting on or after July 1, 2006. The recommended decrease in pure premium rates is based on an analysis of loss experience valued as of December 31, 2005. The WCIRB filing also includes an amendment to the California Workers' Compensation Experience Rating Plan-1995, effective July 1, 2006, to adjust the experience rating eligibility threshold to reflect the proposed change in pure premium rates. A public hearing on the matters contained in the WCIRB's filing was held April 27, 2006.

Insurance Commissioner approval:

On May 31, 2006, the Insurance Commissioner approved a 16.4 percent decrease in advisory pure premium rates effective July 1, 2006, applicable to new and renewal policies as of the first anniversary rating date of a risk on or after July 1, 2006. In addition, the experience rating eligibility threshold was reduced to \$16,971 to reflect the decrease in pure premium rates.

**Advisory Workers' Compensation Pure Premium Rates
A History since the 1993 Reform Legislation**

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January 1, 2007

WCIRB recommendation:

On October 10, 2006, the WCIRB recommended a 6.3 percent decrease in advisory pure premium rates decrease for California policies incepting January 1, 2007.

Insurance Commissioner approval:

On November 2, 2006, the Insurance Commissioner approved an average 9.5 percent decrease in advisory pure premium rates effective January 1, 2007, applicable to new and renewal policies with anniversary rating dates on or after January 1, 2007. As a result of the change in pure premium rates, the experience rating eligibility threshold was reduced to \$16,000.

July 1, 2007

WCIRB recommendation:

On March 30, 2007, the WCIRB recommended an 11.3 percent decrease in advisory pure premium rates for California to be effective on policies incepting on or after July 1, 2007.

Insurance Commissioner approval:

On May 29, 2007, the Insurance Commissioner approved an average 14.2 percent decrease in advisory pure premium rates effective July 1, 2007, applicable to new and renewal policies with anniversary rating dates on or after July 1, 2007. As a result of the change in pure premium rates, the experience rating eligibility threshold was reduced to \$13,728.

January 1, 2008

WCIRB recommendations:

On September 23, 2007, the WCIRB recommended 4.2 percent increase in advisory pure premium rates for California to be effective on policies incepting on or after January 1, 2008.

On October 13, 2007, the Governor signed Assembly Bill (AB) 338 which extends the time period for which temporary disability payments may be taken. On October 19, 2007, the WCIRB amended its January 1, 2008 pure premium rate filing to propose an overall 5.2 percent increase in pure premium rates in lieu of 4.2 percent to incorporate the impact of AB 338.

Insurance Commissioner approval:

On November 28, 2007, the Insurance Commissioner approved no overall change to the advisory pure premium rates effective January 1, 2008.

July 1, 2008

WCIRB recommendation:

On March 26, 2008, accepting a recommendation made by the WCIRB Actuarial Committee, the WCIRB Governing Committee decided that the WCIRB would not propose a change in advisory pure premium rates for California to be effective on policies incepting on or after July 1, 2008.

**Advisory Workers' Compensation Pure Premium Rates
A History since the 1993 Reform Legislation**

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January 1, 2009

WCIRB recommendations:

On August 13, 2008, the WCIRB recommended a 16 percent increase in advisory pure premium rates for California to be effective on policies incepting on or after January 1, 2009. See the WCIRB website below for further details and updates to this information.

At its September 10, 2008 meeting, the Governing Committee agreed that the WCIRB's January 1, 2009 pure premium rate filing should be amended to reflect the most recent accident year experience valued as of June 30, 2008, as well as a revised loss development methodology. The original filing should be supplemented to include a recommendation that the proposed January 1, 2009 pure premium rates be adjusted to reflect (a) the impact of the Division of Workers' Compensation proposed changes to the Permanent Disability Rating Schedule (+3.7%) if adopted as proposed and (b) the impact of SB 1717 (+9.3%) if signed into law by the Governor.

Insurance Commissioner approval:

On October 24, 2008, the Insurance Commissioner approved a 5 percent increase in pure premium rates effective January 1, 2009, applicable to new and renewal policies with anniversary rating dates on or after January 1, 2009.

July 1, 2009

WCIRB recommendations:

On March 27, 2009, WCIRB recommended a 24.4 percent increase in advisory pure premium rates for California to be effective on policies incepting on or after July 1, 2009.

WCIRB amended its filing on April 23, 2009, to reflect the revised aggregate financial data calls recently submitted by an insurer to WCIRB. These revisions reduced the indicated July 1, 2009, increase in the claims cost benchmark from 24.4 percent to 23.7 percent.

Insurance Commissioner approval:

On July 8, 2009, the Insurance Commissioner approved no change to the pure premium rates effective July 1, 2009, applicable to new and renewal policies with anniversary rating dates on or after July 1, 2009.

January 1, 2010

WCIRB recommendation:

On August 18, 2009, the WCIRB submitted a pure premium rate filing to the California Insurance Commissioner recommending a 22.8 percent increase in advisory pure premium rates with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2010.

Insurance Commissioner approval:

On November 9, 2009, the Insurance Commissioner approved no change to the pure premium rates effective January 1, 2010, applicable to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2010.

**Advisory Workers' Compensation Pure Premium Rates
A History since the 1993 Reform Legislation**

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July 1, 2010

WCIRB recommendations:

On April 7, 2010, WCIRB voted not to submit a pure premium rate filing for July 1, 2010. The WCIRB's analysis of pure premium and loss experience valued as of December 31, 2009, showed that the indicated July 1, 2010 change in pure premium rates was essentially unchanged from the indication reflected in the January 1, 2010 filing.

Insurance Commissioner approval:

The Insurance Commissioner did not issue the interim advisory rate for this period.

January 1, 2011

WCIRB recommendation:

On August 18, 2010, the WCIRB submitted a pure premium rate filing to the California Insurance Commissioner recommending a 29.6 percent increase in advisory pure premium rates with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2011. On September 27, 2010, the WCIRB amended its January 1, 2011 filing to propose a change in the claims cost benchmark of +27.7 percent in lieu of the +29.6 percent reflected in its August 18, 2010 filing.

Insurance Commissioner approval:

On November 18, 2010, the Insurance Commissioner approved no change to the pure premium rates effective January 1, 2011, applicable to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2011. Other proposed changes to the USRP, ERP and Miscellaneous Regulations were approved as filed with the exception that the experience rating eligibility was increased to \$16,700 to reflect the 0 percent approved change in the Claims Cost Benchmark.

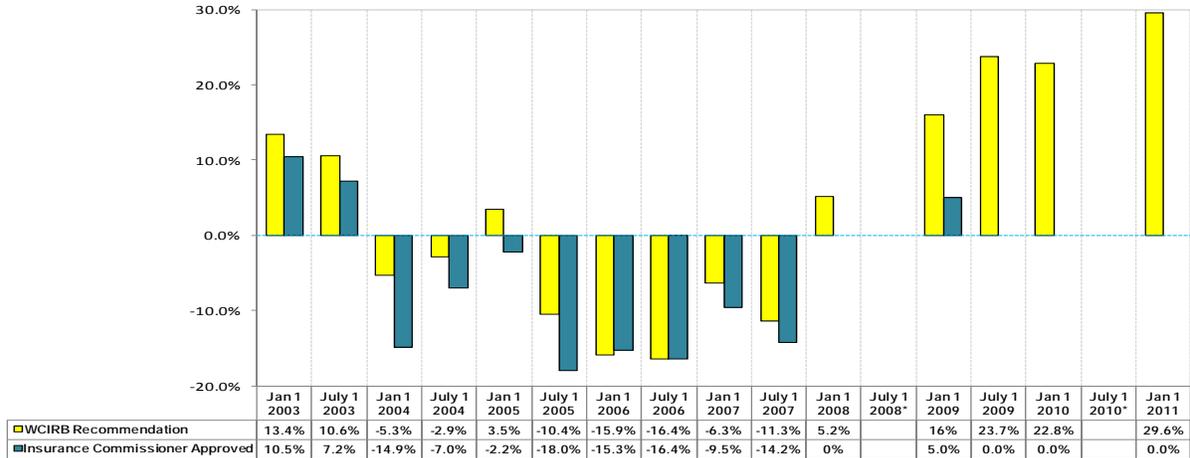
https://wcirbonline.org/resources/rate_filings/current_rate_filings.html

Source: WCIRB

Recommended vs. Approved Advisory Workers' Compensation Rates

As a result of recent legislative reforms, WCIRB recommended changes and the IC approved either decreases or no changes in the pure premium advisory rates between January 2004 and January, 2010, with the exception of the January, 2009 filing. On September 27, 2010, the WCIRB amended its January 1, 2011 filing to propose a change in advisory pure premium rate of +27.7 percent in lieu of the +29.6 percent reflected in its August 18, 2010 filing submitted to the California IC. On November 18, 2010, the IC issued a decision approving no change to the pure premium rates for January 1, 2011.

Changes in Workers' Compensation Advisory Premium Rates
WCIRB Recommendation v. Insurance Commissioner Approval



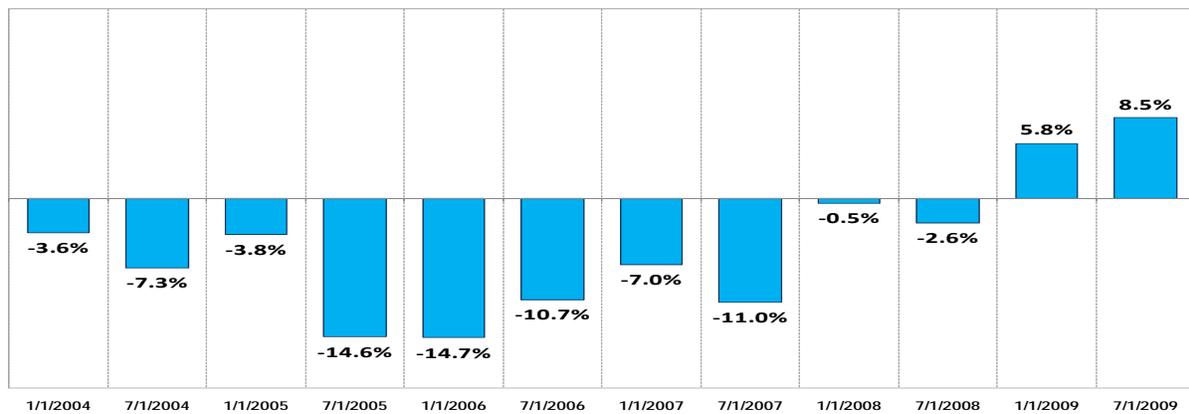
* WCIRB did not issue any recommendations for changes to pure premium rates effective 7/1/2008 and 7/1/2010, and the IC did not issue the interim advisory rates for these periods.

Data Source: WCIRB

California Workers' Compensation Filed Rate Changes

As a result of recent workers' compensation legislative reforms and the subsequent decisions by the IC on advisory premium rates, workers' compensation insurers have reduced their average filed rates between 2004 and 2008, as indicated in the chart below. However, in 2009, average rates filed by insurers increased.

Average Workers' Compensation Rate Reductions Filed by Insurers



Data Source: California Department of Insurance (CDI)

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

California Workers' Compensation Rate Changes

As a result of recent workers' compensation legislative reforms and the subsequent decisions by the IC on advisory claims cost benchmarks and pure premium rates, the top ten California workers' compensation insurers have reduced their filed rates as indicated in the chart below.

As of January 1, 2010, the cumulative premium weighted average rate reduction filed by insurers with the CDI since the reforms is approximately 48.0 percent for all writers including State Compensation Insurance Fund (State Fund). There have been eight advisory pure premium rate reductions since the passage of AB 227 and SB 228, and individually stated, filed insurer rates were reduced 3.6 percent on January 1, 2004, 7.3 percent on July 1, 2004, 3.6 percent on January 1, 2005, 14.9 percent on July 1, 2005, 14.7 percent on January 1, 2006, 10.7 percent on July 1, 2006, 9.4 percent on January 1, 2007, and 10.4 percent on July 1, 2007. Insurer rates were further reduced by 0.8 percent on January 1, 2008, and 2.6 percent on July 1, 2008, at times when the advisory rates remained unchanged. For the first time since the reforms, the advisory pure premium rates were increased effective January 1, 2009, and filed insurer rates increased 5.8 percent. Filed insurer rates were further increased 8.5 percent on July 1, 2009, and 3.4 percent on January 1, 2010, also at times when the advisory rates remained unchanged.¹

WCIRB reports that actual rates charged in the market place as of September 30, 2010, had fallen by approximately 63 percent since the enactment of AB 227, SB 228, and SB 899. The average rate per \$100 of payroll fell from \$6.44 in the second half of 2003 to \$2.39 in 2010.²

California Workers' Compensation Top 10 Insurers Rate Filing Changes

COMPANY NAME	GROUP NAME	Market Share 2009	Cumulative Rate Change 1-04 to 1-10	1-1-2010 % Filed Rate Change	7-1-2009 % Filed Rate Change	1-1-2009 % Filed Rate Change	7-1-2008 % Filed Rate Change
STATE COMPENSATION INSURANCE FUND		18.65%	-42.68%	5.00%	15.00%	8.90%	-3.50%
NATIONAL UNION FIRE INS COMPANY OF PITTS	AIG	3.98%	-48.84%	8.00%	7.00%	10.00%	-15.00%
ZENITH INSURANCE COMPANY	Zenith National Insurance Gp	3.01%	-31.61%	2.70%	4.00%	4.00%	n/a
EVEREST NATIONAL INSURANCE COMPANY	Everest Re Group	2.97%	-57.32%	n/a	5.00%	-3.20%	n/a
ZURICH AMERICAN INSURANCE COMPANY	Zurich Ins Gp	2.70%	-56.99%	1.70%	10.00%	5.80%	n/a
EMPLOYERS COMPENSATION INSURANCE COMPANY	Employers Group	2.67%	-53.07%	3.00%	10.50%	10.0%	-0.60%
SOUTHERN INSURANCE COMPANY	Delek Group	2.53%	29.69%	1.50%	20.77%	5.80%	n/a
TRAVLERS INDEMNITY COMPANY OF CT	Travelers Group	2.51%	-53.09%	n/a	13.00%	9.50%	n/a
SEABRIGHT INSURANCE COMPANY		1.79%	-49.26%	0.00%	10.60%	5.00%	n/a
INSURANCE COMPANY OF THE WEST	ICW Group	1.76%	-53.97%	10.00%	n/a	5.00%	n/a

¹ Source: California Department of Insurance, RFLA3 Rate Filing Bureau.

² Source: WCIRB Summary of September 30, 2010 Insurer Experience, released December 9, 2010.

Since the first reform package was chaptered, 41 new insurers have entered the market and existing private insurers have increased their writings. The significant rate reductions totaling 48 percent since the first reforms were enacted, coupled with the reduced market share of State Fund (53.0 percent at its peak in 2003, declining to 18.7 percent in 2009) and an estimated 2009 accident year combined loss and expense ratio of 127 percent,³ all point to the dramatic success of the cost containment reforms and a stabilizing market with increased capacity and greater rate competition.

Workers' Compensation Earned Premium

WCIRB defines earned premium as the portion of a premium that has been earned by the insurer for policy coverage already provided. For example, one-half of the total premiums will typically be earned six months into an annual policy term.

The total amount of earned workers' compensation premium decreased during the first half of the 1990s, increased slightly in the latter part of the decade, then increased sharply in the new millennium.

This increase in total premium appears to reflect:

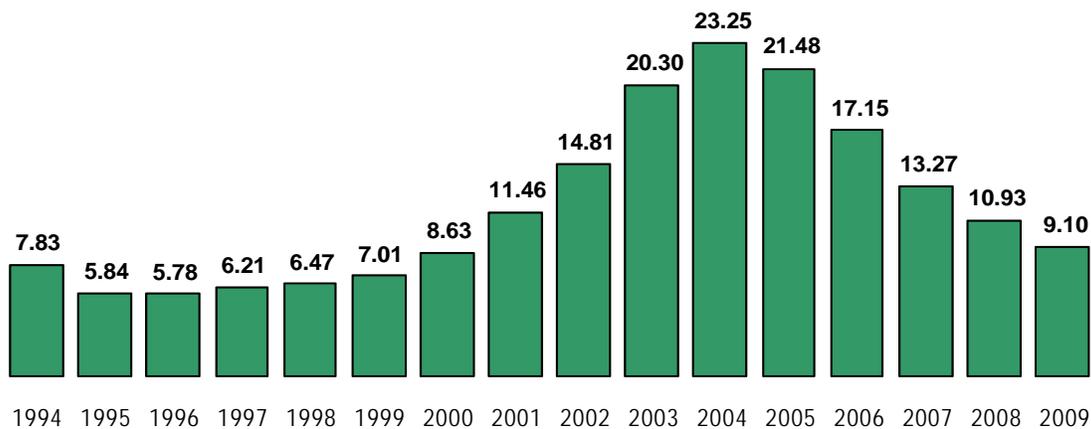
- Movement from self-insurance to insurance.
- An increase in economic growth.
- Wage growth.
- Increase in premium rates.

Premiums from 2001 through 2003 were up sharply primarily due to rate increases in the market. WCIRB reports that the average rate on 2001 policies was about 34 percent higher than on 2000 policies, and the average rate on 2003 policies was 36 percent higher than on 2002 policies.

While WCIRB reported that rates began to decline in 2004 and continued to decline in 2005, as a result of earlier rate increases in 2003 as well as the other factors cited above, 2004 earned premiums were up over 2003.

However, earned premiums in 2004 through 2009 declined sharply as a result of market rate decreases following the reforms that took effect in 2003 and 2004.

**Workers' Compensation Earned Premium
(Billion \$)**



Source: WCIRB

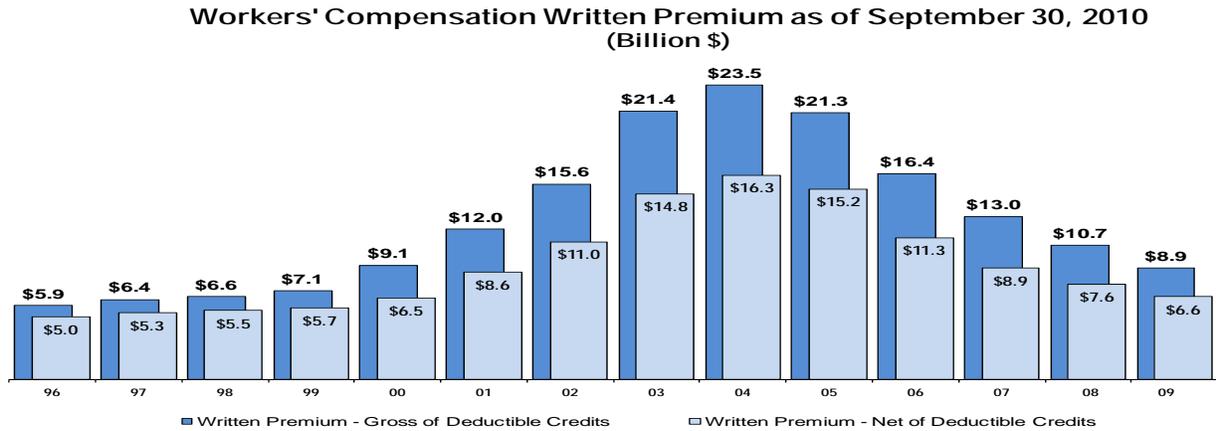
³ Source: WCIRB Summary of September 30, 2010 Insurer Experience, released December 9, 2010.

Workers' Compensation Written Premium

After elimination of the minimum rate law, the total written premium declined from a high of \$8.9 billion in 1993 to a low of \$5.7 billion (\$5.1 billion net of deductible) in 1995. The written premium grew slightly from 1996 to 1999 due to growth of insured payroll, an increase in economic growth, movement from self-insurance to insurance, and other factors, rather than due to increased rates. However, even with well over a million new workers covered by the system, the total premium paid by employers remained below the level seen at the beginning of the decade.

At the end of 1999, the IC approved an 18.4 percent pure premium rate increase for 2000, and the market began to harden after five years of open rating, though rates remained less than two-thirds of the 1993 level. Since then, the market has continued to firm, with the IC approving a 10.1 percent increase in the advisory rates for 2001 and a 10.2 percent increase for 2002. The total written premium has increased by 37 percent to \$21.4 billion from 2002 to 2003 and increased by about 10 percent to a peak of \$23.5 billion from 2003 to 2004. The written premium declined by 62 percent from \$23.5 billion to \$8.9 billion between 2004 and 2009 due to rate decreases.

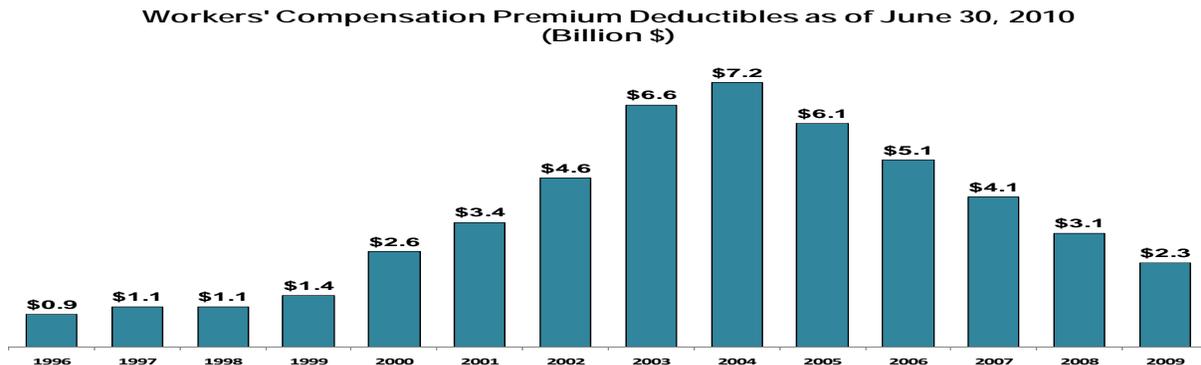
The chart below shows the California workers' compensation written premium before and after the application of deductible credits. Note that these amounts are exclusive of dividends.



Data Source: WCIRB

Workers' Compensation Premium Deductibles

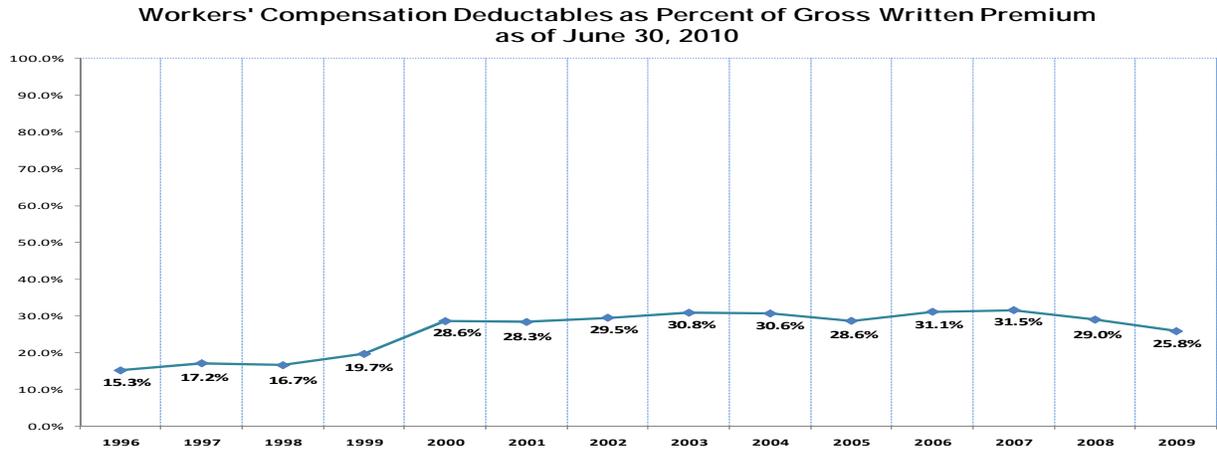
The following chart shows the changes in the total workers' compensation premium deductibles from 1996 to 2009.



Data Source: WCIRB

Workers' Compensation Deductibles as Percent of Written Premium

The chart below shows workers' compensation deductibles as a percent of the written premium.



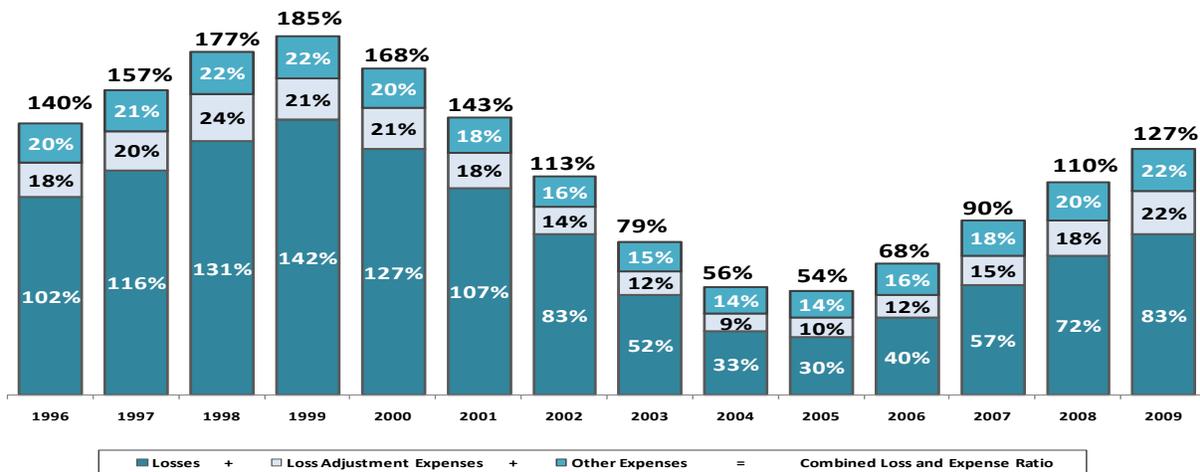
CALIFORNIA WORKERS' COMPENSATION INSURANCE INDUSTRY

Workers' Compensation Insurer Expenses

Combined Loss and Expense Ratios

The accident year combined loss and expense ratio, which measures workers' compensation claims payments and administrative expenses against earned premium, increased during the late 1990s, declined from 1999-2005, and increased 135 percent from 2005 to 2009. In accident year 2009, insurers' claim costs and expenses amounted to \$1.27 for every dollar of premium they collected. In accident year 2005, insurers' claim costs and expenses amounted to \$0.54 for every dollar of premium they collected, which is the lowest combined ratio projected by WCIRB since the inception of competitive rating and reflects the estimated impact of AB 227, SB 228, and SB 899 on unpaid losses.

California Workers' Compensation Combined Loss and Expense Ratios
(as of September 30, 2010)



Data Source: WCIRB

Insurance Companies' Reserves

WCIRB estimates that the total cost of benefits on injuries occurring prior to January 1, 2010, is \$4.5 billion less than insurer-reported loss amounts.

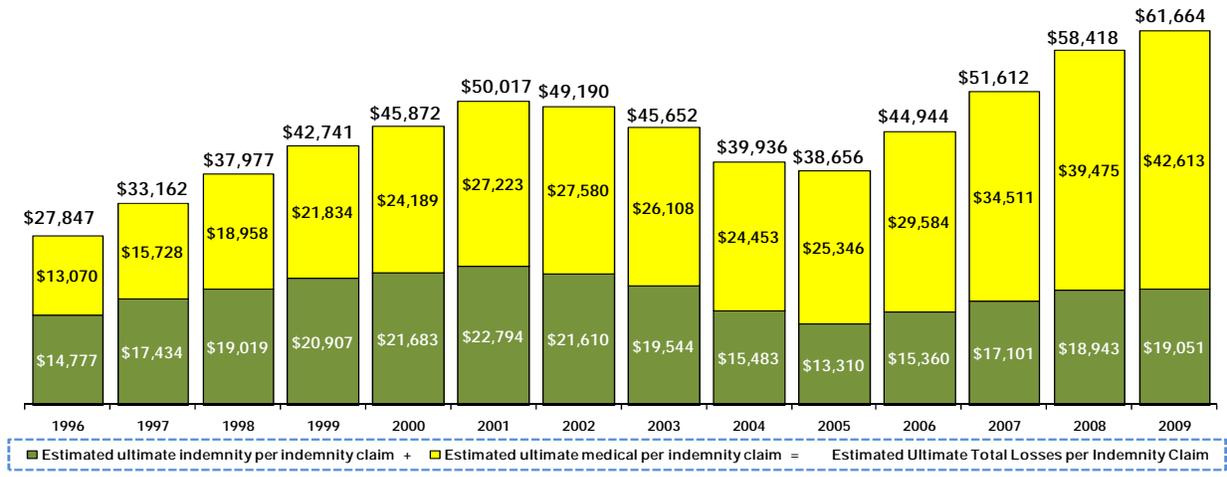
Average Claim Costs

At the same time that premiums and claim frequency were declining, the total amount insurers paid on indemnity claims jumped sharply during the late 1990s.

The total average cost of indemnity claims decreased by almost 23 percent from 2001 to 2005, reflecting the impact of AB 227, SB 228 and SB 899. However, the total indemnity and medical average costs per claim increased by about 60 percent between 2005 and 2009. Please note that WCIRB's estimates of average indemnity claim costs have not been indexed to take into account wage increase and medical inflation.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Estimated Ultimate Total Loss* per Indemnity Claim as of September 30, 2010



* Excludes medical-only

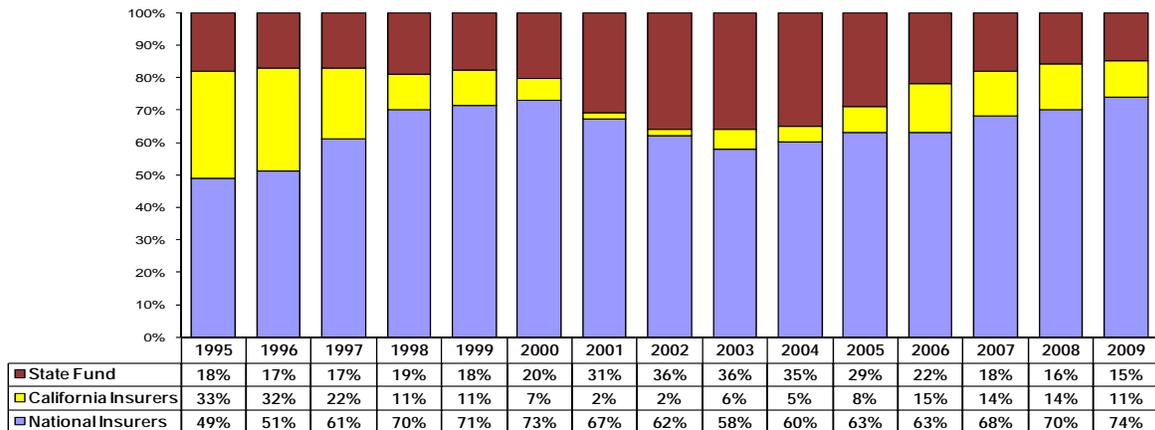
Source: WCIRB

Current State of the Insurance Industry

A number of California insurers left the market or reduced their writings as a result of the decrease in profitability, contributing to a major redistribution of market share among insurers since 1993. The chart below shows changes in the workers' compensation insurance market share from 1995 to 2009.

According to WCIRB, from 2002 through 2004, State Fund attained about 35 percent of the California workers' compensation insurance market, double the market share it had in the 1990s. However, between 2004 and 2009, State Fund's market share decreased to 15 percent. The market share of California companies, excluding State Fund, increased from 5 percent to 14 percent between 2004 and 2008 and decreased to 11 percent from 2008 to 2009.

Workers' Compensation Insurance Market Share in California by Type of Insurer Based on Written Premium Prior to Deductible Credits



Source: WCIRB

Please note that totals may not equal 100% due to rounding.

"California Insurers" are defined as private insurers who write at least 80% of their workers' compensation business in California

Insurance Market Insolvency

Since 2000, a significant number of workers' compensation insurance companies have experienced problems with payment of workers' compensation claims. Thirty-six (36) insurance companies have gone under liquidation, and 20 companies have withdrawn from offering workers' compensation insurance during that time. However, since 2004, 37 insurance/reinsurance companies have entered the California workers' compensation market, while only 16 companies withdrew from the market.⁴

COMPANY NAME

DATE OF LIQUIDATION

2000

California Compensation Insurance Company	9/26/2000
Combined Benefits Insurance Company	9/26/2000
Commercial Compensation Casualty Insurance Company	9/26/2000
Credit General Indemnity Company	12/12/2000
LMI Insurance Company	5/23/2000
Superior National Insurance Company	9/26/2000
Superior Pacific Insurance Company	9/26/2000

2001

Credit General Insurance Company	1/5/2001
Great States Insurance Company	5/8/2001
HIH America Compensation & Liability Insurance Company	5/8/2001
Amwest Surety Insurance Company	6/7/2001
Sable Insurance Company	7/17/2001
Reliance Insurance Company	10/3/2001
Far West Insurance Company	11/9/2001
Frontier Pacific Insurance Company	11/30/2001

2002

PHICO	2/1/2002
National Auto Casualty Insurance Company	4/23/2002
Paula Insurance Company	6/21/2002
Alistar Insurance Company	11/2/2002

2003

Western Growers Insurance Company	1/7/2003
Legion Insurance Company	3/25/2003
Villanova Insurance Company	3/25/2003
Home Insurance Company	6/13/2003

⁴ The information on the companies that have withdrawn and entered the market since 2004 is through 07/31/2010.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

<u>COMPANY NAME</u>	<u>DATE OF LIQUIDATION</u>
Fremont Indemnity Corporation	7/2/2003
Wasatch Crest Insurance Co. (No WC policies)	7/31/2003
Pacific National Insurance Co.	8/5/2003
<u>2004</u>	
Protective National Insurance Company	2/12/2004
Holland-America Insurance Company	7/29/2004
Casualty Reciprocal Exchange	8/18/2004
<u>2005</u>	
Cascade National Insurance Company/Washington	11/4/2005
South Carolina Insurance Company/South Carolina	3/21/2005
Consolidated American Insurance Company/South Carolina	3/21/2005
<u>2006</u>	
Vesta Fire Insurance Company	8/3/2006
Hawaiian Insurance & Guaranty Company	8/21/2006
Municipal Mutual Insurance Company	10/31/2006
<u>2010</u>	
Insurance Corporation of New York (The)	3/4/2010

Source: CIGA

COSTS OF WORKERS' COMPENSATION IN CALIFORNIA

Costs Paid by Insured Employers

In 2009, workers' compensation insurers earned \$9.1 billion in premiums from California employers.⁵

The cost of workers' compensation insurance in California has undergone dramatic changes in the past ten years due to a combination of factors.

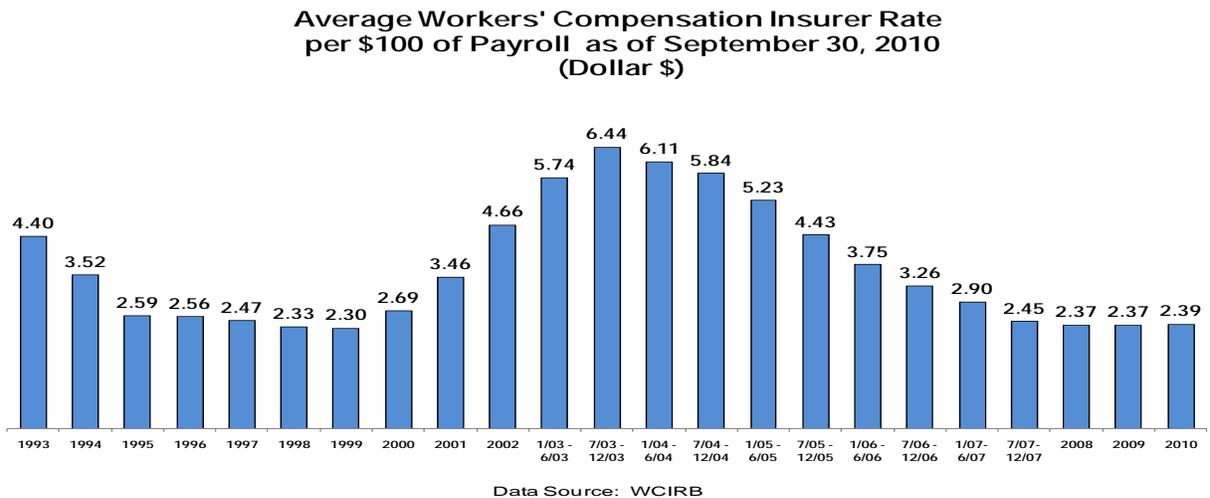
When workers' compensation premiums were deregulated beginning in 1995, insurers competed by lowering premium rates, in many instances lower than their actual costs. Costs also increased beyond the amounts that were foreseen when premiums were determined and collected. Many insurers drew on their reserves to make up the difference, and several insurers became insolvent. Subsequently, the surviving insurers charged higher premium rates to meet costs and began to replenish surplus.

The California workers' compensation legislative reforms in the early 2000s, which were developed to control medical costs, update indemnity benefits and improve the assessment of PD, had significant impact on insurance costs.

As intended, these reforms reduced workers' compensation costs in California. It appears that the savings have been fully realized and the system may be returning to a trend of cost increases. The question now is whether the cost increases are merely the long-term trends of inflation and medical cost growth, or whether the savings accomplished by the reforms are being eroded by an inability to maintain the early savings. Insurers report broad-based growth in medical spending, and judicial interpretations of the PD rating system portend increased litigation and higher PD payments. The cost of insurance continued to drop through the latest period for which written premium data are available, but filed rates have begun to climb again.

Workers' Compensation Average Premium Rate

The following chart shows the average workers' compensation premium rate per \$100 of payroll. The average stabilized during the mid-to-late 1990s, and then rose significantly beginning in 2000 up to the second half of 2003. However, the average premium rate has dropped every year from the second half of 2003 to 2009 when it was \$2.37, a decrease of 63 percent from the second half of 2003. From 2009 to 2010, the average premium rate increased 0.8 percent.



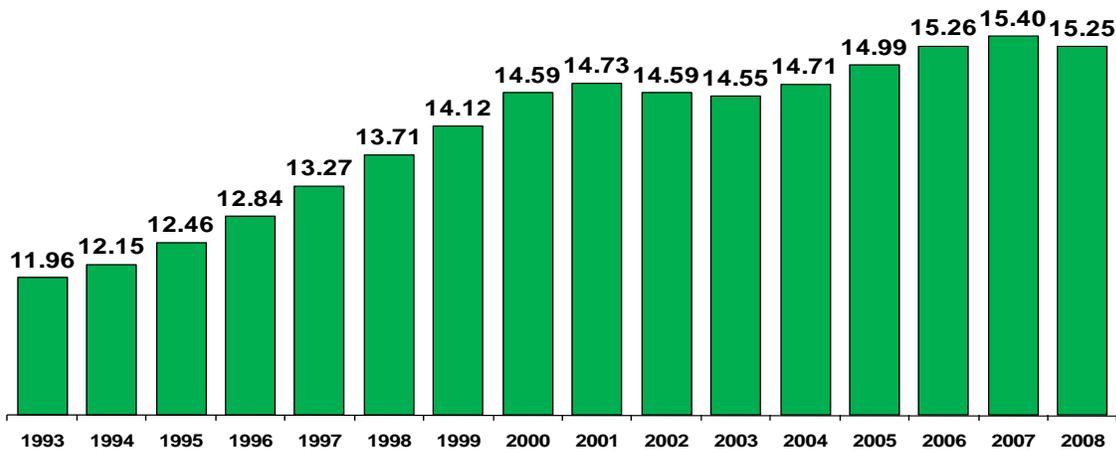
⁵ Source: "2010 California's Workers' Compensation Losses and Expenses." WCIRB – June 22, 2010. Note that earned premium is not identical to written premium. The two measurements are related, and the choice of which measurement to use depends on the purpose.

Workers Covered by Workers' Compensation Insurance

Average Earned Premium per Covered Worker

The estimated number of California workers covered by workers' compensation insurance grew by about 23 percent from 11.96 million in 1993 to 14.73 million in 2001. From 2001 through 2005, the number of covered workers in California stabilized, averaging about 14.7 million per year. The estimated number of California workers covered by workers' compensation insurance grew by about 6 percent from 2003 to 2007, and then in 2008 returned to the 2006 level.

Estimated Number of Workers Covered by Workers' Compensation Insurance in California (Millions)

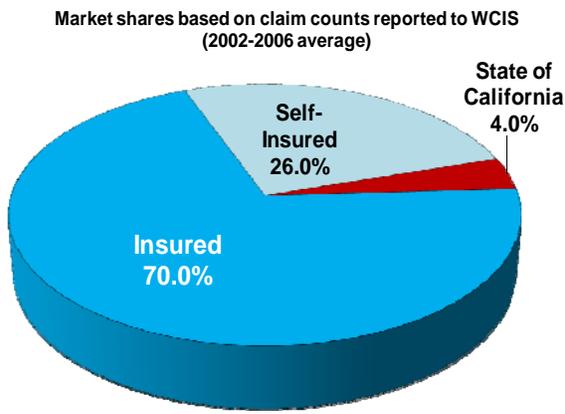


Data Source: National Academy of Social Insurance (NASI)

Workers' Compensation System Expenditures

The California workers' compensation system covers 15,248,000 employees working for over 865,000 employersⁱ in the State. These employees and employers generated a gross domestic product of \$1,891,363,000,000 (\$1.89 trillion) for 2009.ⁱⁱ A total of 533,600 occupational injuries and illnesses were reported for 2009,ⁱⁱⁱ ranging from minor medical treatment cases up to catastrophic injuries and deaths. The total paid cost to employers for workers' compensation in 2009 was \$13.3 billion. (See textbox on the next page.)⁶

Employers range from small businesses with just one or two employees to multinational corporations doing business in the State and the state government itself. Every employer in California must secure its liability for payment of compensation, either by obtaining insurance from an insurer licensed by the Department of Insurance (CDI) or by obtaining a certificate of consent to self-insure from the Department of Industrial Relations (DIR). The only lawful exception is the State, which is legally uninsured. Based on the claim counts reported to the Workers' Compensation Information System (WCIS) (see the chart below), 70 percent of injuries occur to employees of insured employers, 26 percent of injuries occur to employees of self-insured employers, and 4 percent of injuries occur to employees of the State of California.^{iv}



Data Source: DWC - WCIS

A Claim Counts-based Estimate of Workers' Compensation System Size

Measurements of the California workers' compensation system have long been plagued by incomplete data. The Workers' Compensation Insurance Rating Bureau (WCIRB) collects detailed data from insurers to enable the Insurance Commissioner and the companies to determine reasonable prices for coverage. These data are also used for many measurements of the system. Comparable data are not collected on self-insured employers, so researchers relied on estimates. It was estimated that 20% of the market was self-insured, so systemwide measurements were often obtained by multiplying the WCIRB figures by 1.25.

It is now possible to improve that estimate by using Workers' Compensation Information System (WCIS) data on the number of claims filed by employees of insured employers, self-insured employers, and the legally uninsured state agencies. The claims are:

- 70% with insured employers
- 26% with self-insured employers
- 4% with the State as the employer

Assuming that other characteristics are proportional to the number of claims, the new multiplier to estimate systemwide performance based on insurer data is:

$$\frac{100\%}{70\%} = 1.43$$

For example, if insurers' paid losses and expenses are \$9 billion, then the systemwide paid losses and expenses are estimated as:

$$\$9 \text{ billion} * 1.43 = \$12.9 \text{ billion.}$$

The Commission on Health and Safety and Workers' Compensation (CHSWC) obtained WCIS data and began using the new method for estimating system size in 2008. This method produces a larger estimate than the old method. Comparisons to previous years must be recalculated using the new method for consistency.

⁶ Endnotes i, ii, iii, and iv are at the end of this section.

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Workers' compensation is generally a no-fault system that provides statutory benefits for occupational injuries or illnesses. Benefits consist of medical treatment, temporary disability (TD) payments, permanent disability (PD) payments, return-to-work assistance, and death benefits. The overall amounts paid in each of these categories systemwide are shown in the following chart. These figures are based on insurer-paid amounts multiplied by 1.43 to include estimated amounts paid by self-insured employers and the State.

Systemwide Cost: Paid Dollars for 2009 Calendar Year

A Claim Counts-based Estimate of Workers' Compensation System Size (Million \$)			
	<i>Insured</i>	<i>Self-Insured and the State*</i>	<i>All Employers</i>
Indemnity*	\$2,820	\$1,213	\$4,033
Medical*	\$4,165	\$1,791	\$5,956
Changes to Total Reserves	-\$95	-\$41	-\$136
Insurer Pre-Tax Underwriting Profit/Loss	-\$1,487	X	-\$1,487
Expenses (See Table below: Breakdown of Expenses)	\$3,884	\$1,087	\$4,971
TOTAL for 2009	\$9,287	\$4,050	\$13,337

*Include CIGA payments

Source for Insured figures above is WCIRB Losses and Expenses report June 2010. Self-insured and state expenses are calculated by CHSWC using 0.43 multiplier for equivalent cost components. The equivalent expense components are estimated as follows:

Breakdown of Expenses (Million \$)	<i>Insured</i>	<i>Self-Insured and State</i>	<i>All Employers</i>
<i>Loss Adjustment Expense</i>	\$1,883	\$810	\$2,693
<i>Commissions and Brokerage</i>	\$696	X	\$696
<i>Other Acquisition Expenses</i>	\$485	X	\$485
<i>General Expenses</i>	\$645	\$277	\$922
<i>Premium and Other Taxes</i>	\$175	X	\$175
Total	\$3,884	\$1,087	\$4,971

Estimate of Workers' Compensation System Size Based on Written Premium

Another way to calculate systemwide costs for employers is by using written premium.

Written premium for insured employers = \$8.9 billion in accident year 2009.⁷

\$8.9 billion * 1.43 = \$12.7 billion systemwide costs for employers.

⁷ WCIRB Summary of September 30, 2010 Insurer Experience Report, December 9, 2010.

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Indemnity Benefits

WCIRB provided data for the cost of indemnity benefits paid by insured employers. Assuming that insured employers comprise approximately 70 percent of total California workers' compensation claims, estimated indemnity benefits are shown on the following chart for the total system, insured employers, self-insured employers, and the State of California.

Systemwide Estimated Costs of Paid Indemnity Benefits

Indemnity Benefits (Thousand \$)	2008	2009	Change
Temporary Disability	\$2,075,473	\$1,948,033	-\$127,440
Permanent Total Disability	\$146,811	\$140,067	-\$6,744
Permanent Partial Disability	\$1,704,986	\$1,675,724	-\$29,262
Death	\$99,319	\$100,390	\$1,071
Funeral Expenses	\$2,217	\$1,909	-\$307
Life Pensions	\$83,644	\$96,804	\$13,160
Voc Rehab/Non-transferable Education Voucher	\$158,242	\$69,990	-\$88,252
Total	\$4,270,692	\$4,032,917	-\$237,775

Paid by Insured Employers

Indemnity Benefits (Thousand \$)	2008	2009	Change
Temporary Disability *	\$1,451,380	\$1,362,261	-\$89,119
Permanent Total Disability *	\$102,665	\$97,949	-\$4,716
Permanent Partial Disability *	\$1,192,298	\$1,171,835	-\$20,463
Death *	\$69,454	\$70,203	\$749
Funeral Expenses	\$1,550	\$1,335	-\$215
Life Pensions	\$58,492	\$67,695	\$9,203
Voc Rehab/Non-transferable Education Voucher *	\$110,659	\$48,944	-\$61,715
Total	\$2,986,498	\$2,820,222	-\$166,276

Paid by Self-Insured Employers and the State**

Indemnity Benefits (Thousand \$)	2008	2009	Change
Temporary Disability	\$624,093	\$585,772	-\$38,321
Permanent Total Disability	\$44,146	\$42,118	-\$2,028
Permanent Partial Disability	\$512,688	\$503,889	-\$8,799
Death	\$29,865	\$30,187	\$322
Funeral Expenses	\$667	\$574	-\$92
Life Pensions	\$25,152	\$29,109	\$3,957
Voc Rehab/Non-transferable Education Voucher	\$47,583	\$21,046	-\$26,537
Total	\$1,284,194	\$1,212,695	-\$71,499

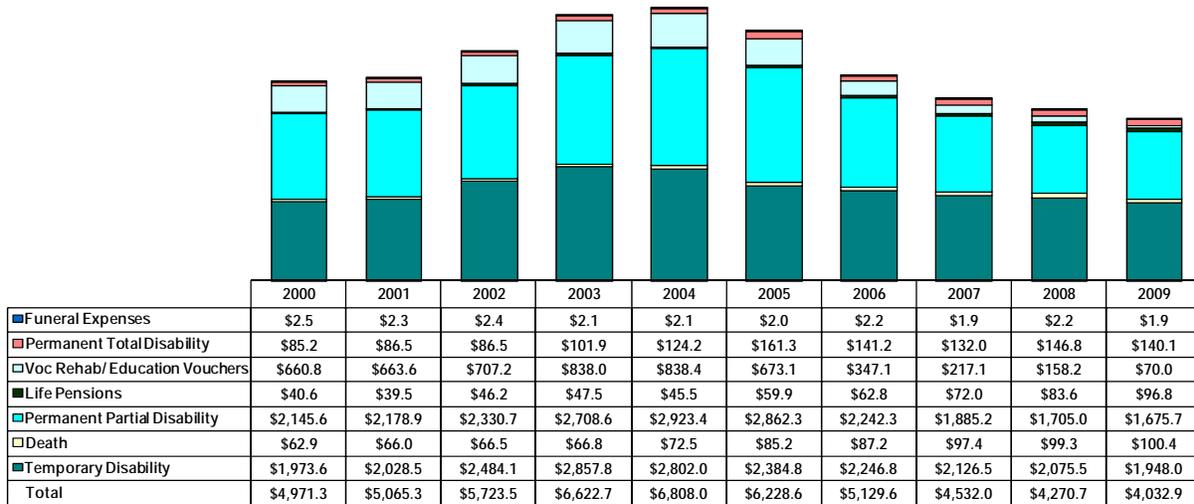
* Single Sum Settlement and Other Indemnity payments have been allocated to the benefit categories.

** Figures estimated based on insured employers' costs. Self-insured employers and the State of California are estimated to comprise 30 percent of all California workers' compensation claims.

Trends in Paid Indemnity Benefits

The estimated systemwide paid indemnity benefits for the past several years are displayed in the chart below. After the reforms of 2003 and 2004, paid indemnity benefits dropped to below the 2000 levels. The permanent partial disability that peaked in 2004 saw one of the biggest declines after the reforms. The TD benefits began declining in 2005 despite the TD benefit increases of AB 749 and the impact of the two-year limit not taking effect until April 2006.

**Workers' Compensation Paid Indemnity Benefit by Type
Systemwide Estimated Costs*
(Million \$)**



Data Source: WCIRB
Calculations: CHSWC

Supplemental Job Displacement Benefits Costs

The reforms of 2003 eliminated vocational rehabilitation for injuries arising on or after January 1, 2004, and replaced it with a supplemental job displacement benefit (SJDB). The vocational rehabilitation (VR) statutes are repealed entirely effective January 1, 2009. Consequently, the expenditures for VR are decreasing rapidly as the remaining pre-2004 cases run off. SJDB expenditures are taking their place, but at a much lower level.

Supplemental Job Displacement Benefit Vouchers

AB 227 created a system of non-transferable educational vouchers effective for injuries occurring on or after January 1, 2004. WCIRB's estimate of the cost of educational vouchers is based on information compiled from the most current WCIRB Permanent Disability Claim Survey. In total, 18.3 percent of accident year 2004 PD claims involved educational vouchers, and the average cost of the educational vouchers was approximately \$5,900. For the 2005 accident year at first survey level, 20.7 percent of sampled PD claims were reported as involving educational vouchers with an estimated average cost of approximately \$5,600.

Vocational Rehabilitation and Supplemental Job Displacement Benefit Vouchers Incurred Costs

WCIRB has summarized the VR information reported on unit statistical reports. The table below shows a summary of VR information by accident year, with losses evaluated at a combination of second and third unit report levels, depending on which policy year the accident year claim was reported. This unit statistical

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information suggests that the cost per claim for VR or SJDB vouchers has declined by approximately 80 percent as SJDB has replaced VR.

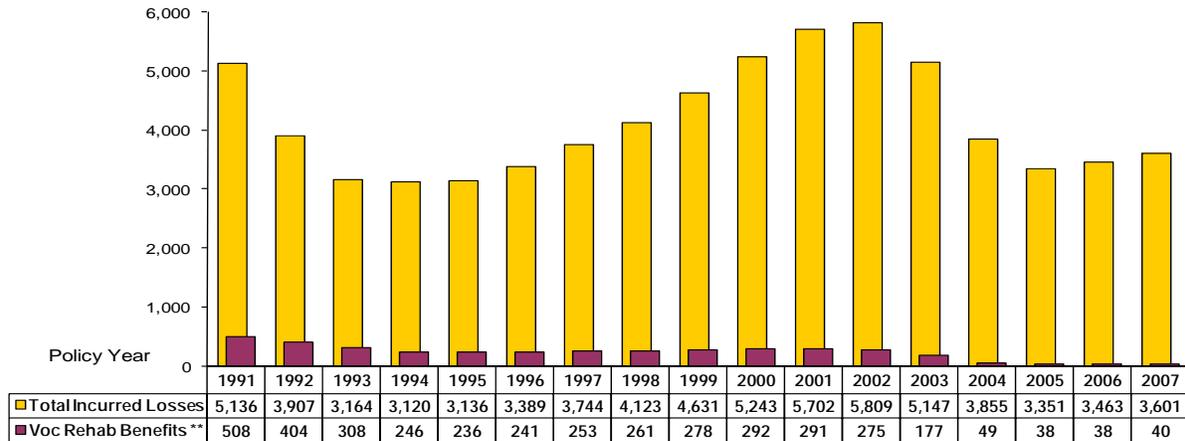
Table: Vocational Rehabilitation (VR) and Supplemental Job Displacement Benefit (SJDB) Vouchers Incurred Costs at Second/Third Report Level

Accident Year (AY)	Percent of Indemnity Claims with VR or SJDB Vouchers	Change from Average of AY 2001-03	VR and SJDB Vouchers Cost per VR & SJDB Vouchers Claim	Change from Average of AY 2001-03	VR and SJDB Vouchers Cost per Indemnity Claim	VR and SJDB Cost Level Change from Average of AY 2001-03
2001	25.1%	-	\$9,525	-	\$2,387	-
2002	25.2%	-	\$9,635	-	\$2,426	-
2003	24.0%	-	\$8,987	-	\$2,158	-
2004	12.1%	-51%	\$4,187	-55%	\$505	-78%
2005	11.2%	-55%	\$3,923	-58%	\$441	-81%

Source: WCIRB

AB 227, enacted in 2003, in combination with clean-up language in SB 899 enacted in 2004, repealed the workers' compensation VR benefit for dates of injury on or after January 1, 2004. VR benefits are available only to eligible workers who were injured before 2004 and were available only through December 31, 2008. VR is essentially over, although some litigation continues over the wind-up of VR under particular circumstances. The chart below presents the most recent data available through 2007 on VR costs including SJDB vouchers (non-transferable educational vouchers) beginning from policy year 2003.

Vocational Rehabilitation Benefits and SJDB Vouchers* Compared with Total Incurred Losses, WCIRB 1st Report Level (Million \$)



* The Vocational Rehabilitation statutes are repealed entirely effective January 1, 2009, and replaced with Supplemental Job Displacement Benefits.

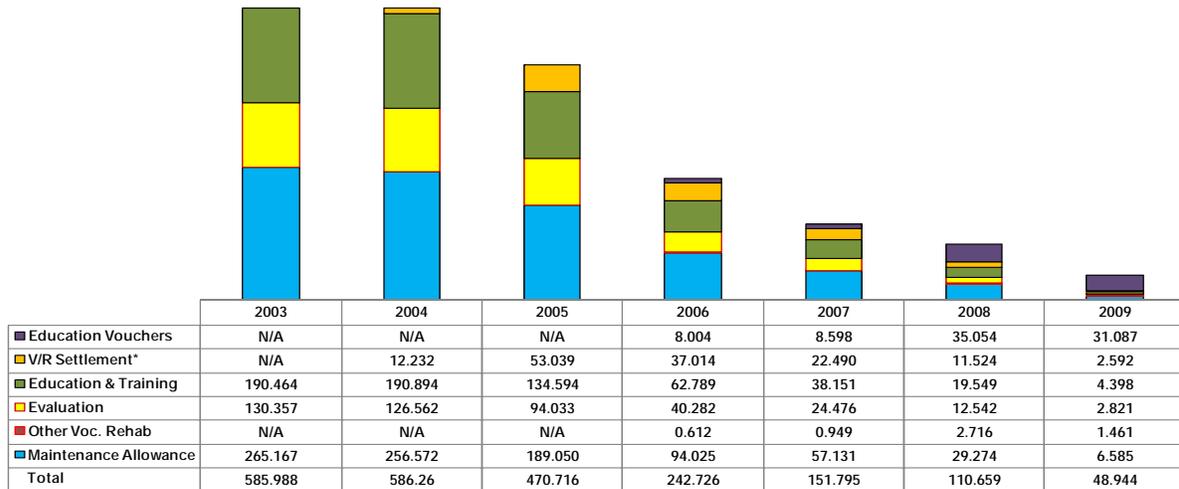
** Policy year 2003 "vocational rehabilitation benefits" contain a mix of vocational rehabilitation costs and non-transferable educational voucher costs. Policy year 2004 and later "vocational rehabilitation benefits" contain mainly non-transferable educational voucher costs.

Data Source: WCIRB

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The following chart shows the amounts paid for each component of the VR benefit including newly introduced VR settlement and SJDB vouchers for the period from 2003 through 2009.

**Paid Vocational Rehabilitation Benefits and SJDB Vouchers
(Million \$)**



* Vocational Rehabilitation Settlements were allowed on injuries occurring on or after January 1, 2003, pursuant to Assembly Bill No. 749

Data Source: WCIRB

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Medical Benefits

WCIRB provided data for the cost of medical benefits paid by insured employers. Assuming that insured employers comprise approximately 70 percent of total California workers' compensation claims, estimated medical benefits are shown on the following chart for the total system, insured employers, self-insured employers, and the State of California.

Systemwide Estimated Costs - Medical Benefits Paid

Medical Benefits (Thousand \$)	2008	2009	Change
Physicians	\$2,152,919	\$2,102,400	-\$50,519
Capitated Medical	\$19,773	\$4,969	-\$14,803
Hospital	\$1,569,319	\$1,495,415	-\$73,904
Pharmacy	\$525,875	\$485,628	-\$40,247
Payments Made Directly to Patient	\$943,538	\$1,180,990	\$237,452
Medical-Legal Evaluation	\$289,112	\$228,231	-\$60,881
Medical Cost-Containment Programs*	\$405,763	\$458,632	\$52,870
Total	\$5,906,299	\$5,956,266	\$49,967

Paid by Insured Employers

Medical Benefits (Thousand \$)	2008	2009	Change
Physicians	\$1,505,538	\$1,470,210	-\$35,328
Capitated Medical	\$13,827	\$3,475	-\$10,352
Hospital	\$1,097,426	\$1,045,745	-\$51,681
Pharmacy	\$367,745	\$339,600	-\$28,145
Payments Made Directly to Patient	\$659,817	\$825,867	\$166,050
Medical-Legal Evaluation	\$202,176	\$159,602	-\$42,574
Medical Cost-Containment Programs*	\$283,750	\$320,722	\$36,972
Total	\$4,130,279	\$4,165,221	\$34,942

Paid by Self-Insured Employers**

Medical Benefits (Thousand \$)	2008	2009	Change
Physicians	\$647,381	\$632,190	-\$15,191
Capitated Medical	\$5,946	\$1,494	-\$4,451
Hospital	\$471,893	\$449,670	-\$22,223
Pharmacy	\$158,130	\$146,028	-\$12,102
Payments Made Directly to Patient	\$283,721	\$355,123	\$71,402
Medical-Legal Evaluation	\$86,936	\$68,629	-\$18,307
Medical Cost-Containment Programs*	\$122,013	\$137,910	\$15,898
Total	\$1,776,020	\$1,791,045	\$15,025

* Figures for medical cost-containment programs are based on a sample of insurers who reported medical cost containment expenses to WCIRB.

** Figures estimated based on insured employers' costs. Self-insured employers and the State of California are estimated to comprise 30 percent of all California workers' compensation claims from 2007.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

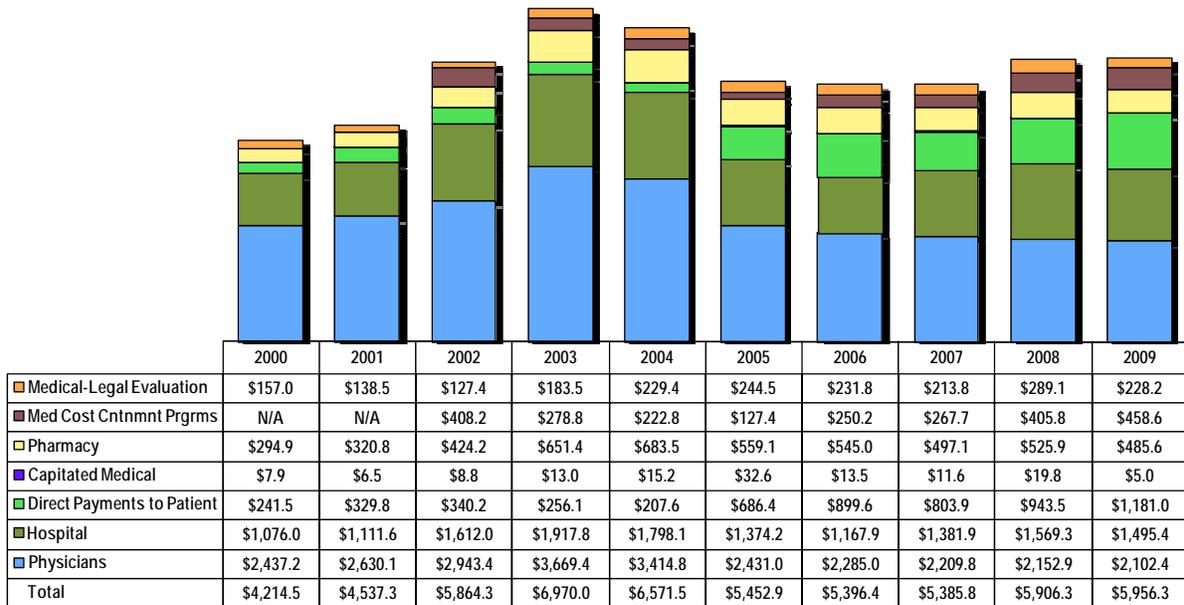
Trends in Paid Medical Benefits

The estimated systemwide paid medical costs for the past several years are displayed in the chart below. The following trends may result from the impact of recent workers' compensation reforms and economic recession.

The cost of the total medical benefit increased by 65 percent from 2000 to 2003, decreased by 23 percent from 2003 to 2007, and then increased again by 11 percent from 2007 to 2009. Payments to physicians increased by 51 percent from 2000 to 2003, then dropped by 43 percent from 2003 to 2009. Pharmacy costs increased by 132 percent from 2000 through 2004, before declining by almost 30 percent from 2004 to 2009. Hospital costs increased by 78 percent from 2000 to 2003, declined by 39 percent from 2003 to 2006, and then increased by 28 percent in 2009. Direct payments to patients averaged \$275 million from 2000 to 2004, increased sharply 3.3 times from 2004 to 2005, and then increased again 1.7 times from 2005 to 2009. Expenditures on medical cost-containment programs in 2005 were less than a third of what they were in 2002 and then increased again 3.6 times in 2009. Medical-legal evaluation costs decreased by 19 percent from 2000 to 2002, more than doubled between 2002 and 2008, and then decreased by 21 percent from 2008 to 2009.

The apparent increases in the medical payments made to injured workers and medical cost containment programs were in part the result of availability of more detailed reporting of payments into specific recipient/payee categories.

**Workers' Compensation Paid Medical Benefits by Type
Systemwide Estimated Costs* (Million \$)**



Source: WCIRB
Calculations: CHSWC

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Average Cost per Claim by Type of Injury

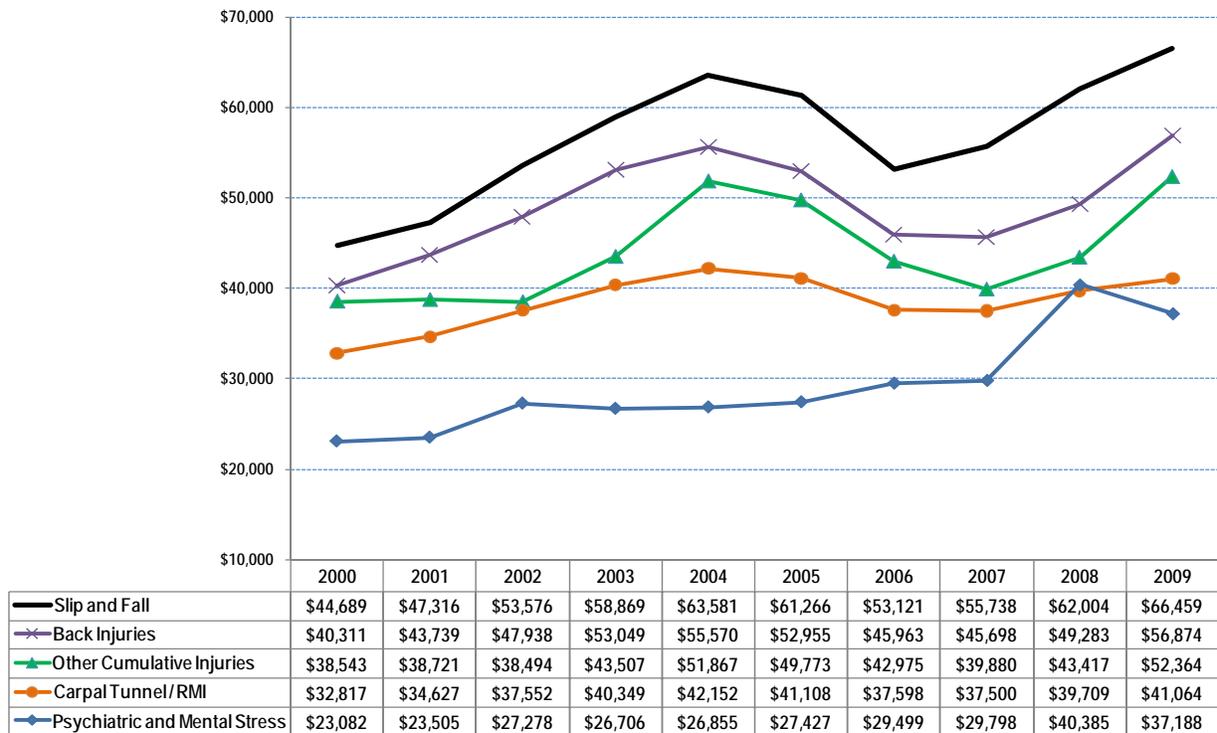
As shown in the following chart, from 2000 to 2004, there was an increase in average costs of all types of injuries. The average cost of slip and fall injuries increased by 42 percent and the average cost of back injuries increased by 38 percent, followed by a 34.5 percent increase in the average cost of other cumulative injuries and a 28 percent increase in the average cost of carpal tunnel/repetitive motion injuries (RMI).

From 2004 to 2007, the average costs declined for all of the types of injuries shown below, with the exception of psychiatric and mental stress. The average cost of other cumulative injuries decreased by 23 percent, and the average cost of back injuries decreased by almost 18 percent, followed by a 12 percent decrease in the average cost of slip and fall injuries and an 11 percent decrease in the average cost of carpal tunnel/RMI injuries.

The average cost for all of the types of injuries shown below, with the exception of psychiatric and mental stress, increased between 2007 and 2009. The average cost of other cumulative injuries increased by 31 percent and the average cost of back injuries increased by 24.5 percent, followed by a 19 percent increase in the average cost of slip and fall injuries and a 9.5 percent increase in the average cost of carpal tunnel/RMI injuries.

Average costs of psychiatric and mental stress claims increased by 18 percent between 2000 and 2002, decreased by 2 percent between 2002 and 2003, and then increased by 51 percent from 2003 through 2008. From 2008 to 2009, the average costs of psychiatric and mental stress claims decreased again by 8 percent.

Average Cost per Claim by Type of Injury



Data Source: WCIRB

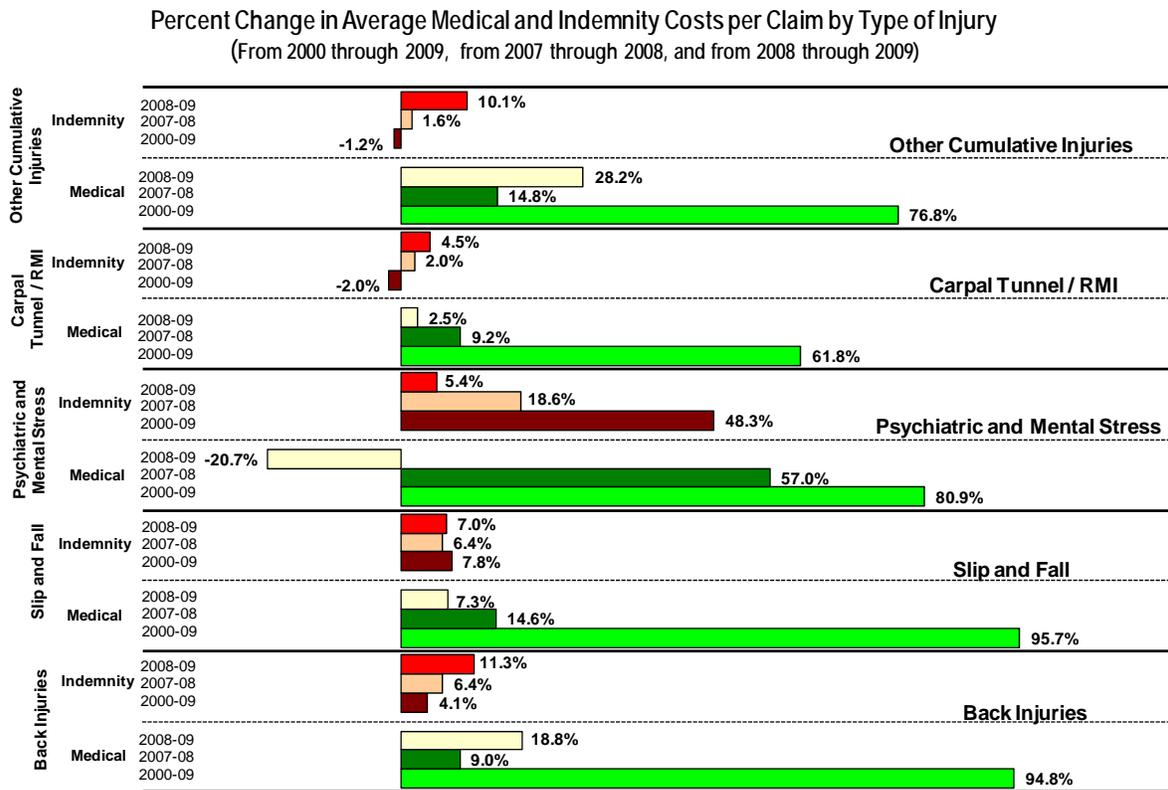
SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Changes in Average Medical and Indemnity Costs per Claim by Type of Injury

The chart below illustrates the impact of the reforms on selected types of injury. The long-term trend from 2000 to 2009 shows increases in medical costs for all these types of injury. The same trend for indemnity costs shows slight decreases for carpal tunnel/repetitive motion injury(RMI) and other cumulative injuries and increases for the psychiatric and mental stress, slips and falls, and back injuries as the result of increase in those indemnity costs for both the 2007-2008 and 2008-2009 periods.

From 2007 to 2008, medical costs increased for every type of injury. In the same year, indemnity costs showed increases for all types of injury as well.

From 2008 to 2009, medical costs increased for every type of injury except for psychiatric and mental stress, the largest being a 28 percent increase for other cumulative injuries. In the same year, indemnity costs increased for every type of injury, the largest being 11 percent for back injuries.



Data Source: WCIRB

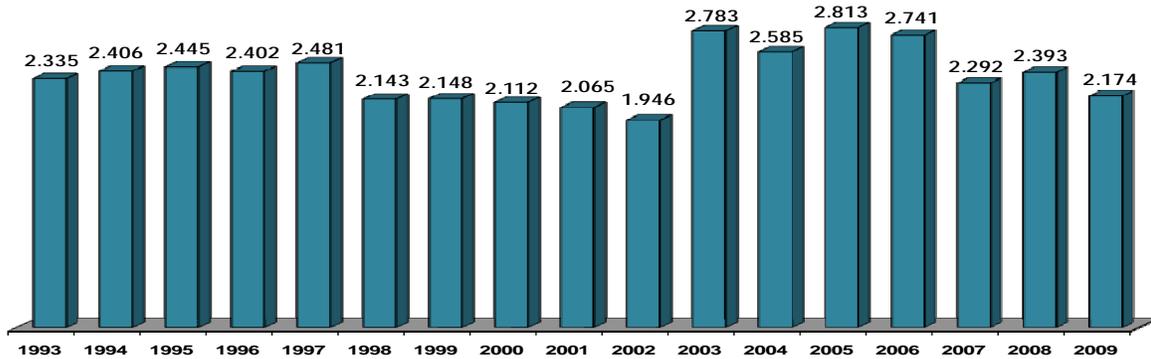
Workers' Compensation System Expenditures: Self-Insured Private and Public Employers

Private Self-Insured Employers

Number of Employees

The following chart shows the number of employees working for private self-insured employers between 1993 and 2009. A number of factors may affect the year-to-year changes. One striking comparison is to the average cost of insurance per \$100 of payroll for insured employers, as described earlier. When insurance is inexpensive, fewer employers may be attracted to self-insurance, but when insurance becomes more expensive, more employers move to self-insurance.

Number of Employees of Private Self-Insured Employers (Millions)

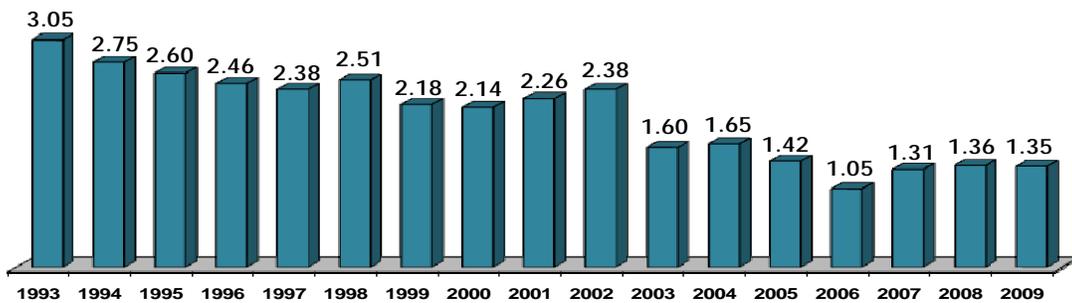


Data Source: DIR Self-Insurance Plans

Indemnity Claims

The rate of indemnity claims per 100 employees of private self-insured employers reflects trends seen throughout the workers' compensation system. Frequency has been declining steadily for years. In addition, the reforms of the early 1990s and the reforms of 2003-2004 each produced distinct drops in frequency. Smaller year-to-year variations, including a small upswing in 1998 and a two-year upward trend from 2000 through 2002, are not correlated with any short-term variations in the insured market.

Number of Indemnity Claims Per 100 Employees of Private Self-Insured Employers



Data Source: DIR Self-Insurance Plans

Incurring Cost per Indemnity Claim

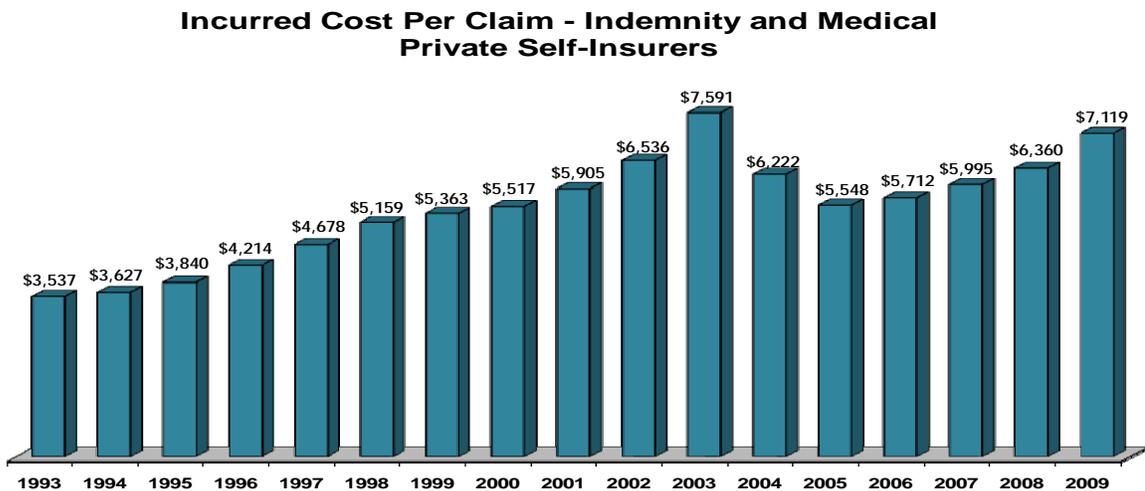
The following chart shows the incurred cost per indemnity claim for private self-insured employers, which has experienced changes similar to the changes for insurance companies. There has been a steady rise in the cost per indemnity claim until 2003, when the cost began to drop in response to the reforms of 2003 and 2004. The upward trend returned in 2006. Although the growth in cost per claim is back, the cost is now growing from a lower starting point than it would have been without the reforms.



Data Source: DIR Self-Insurance Plans

Incurring Cost per Indemnity and Medical Claim

The average cost of all claims, including both indemnity claims and medical-only claims is naturally lower than the average cost of indemnity claims. While lower, it shows a pattern similar to the trends for indemnity claims.



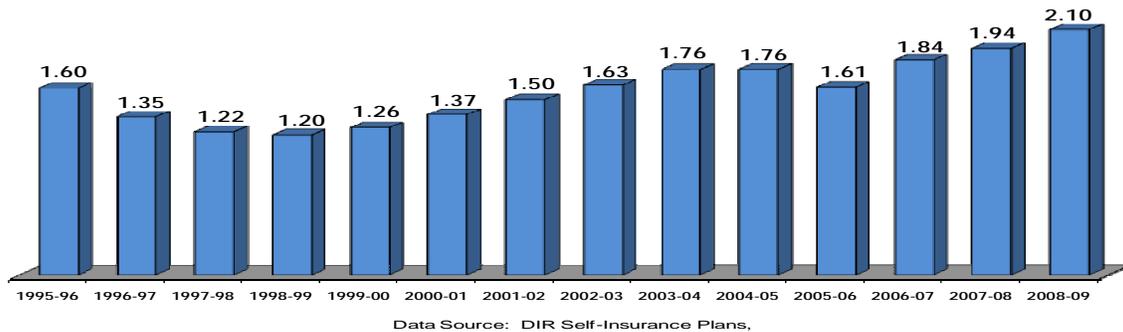
Data Source: DIR Self-Insurance Plans

Public Self-Insured Employers⁸

Number of Employees

The following chart shows the number of public self-insured employers between fiscal years 1995-1996 and 2008-2009. The number of public self-insured employers declined between 1995-1996 and 1998-1999. Between 1998-1999 and 2003-2004, the number of employees working for public self-insured employers grew by 46.7 percent, then leveled off between 2003-2004 and 2004-2005, declined between 2004-2005 and 2005-2006, and increased by 30 percent from 2005-2006 to 2008-2009.

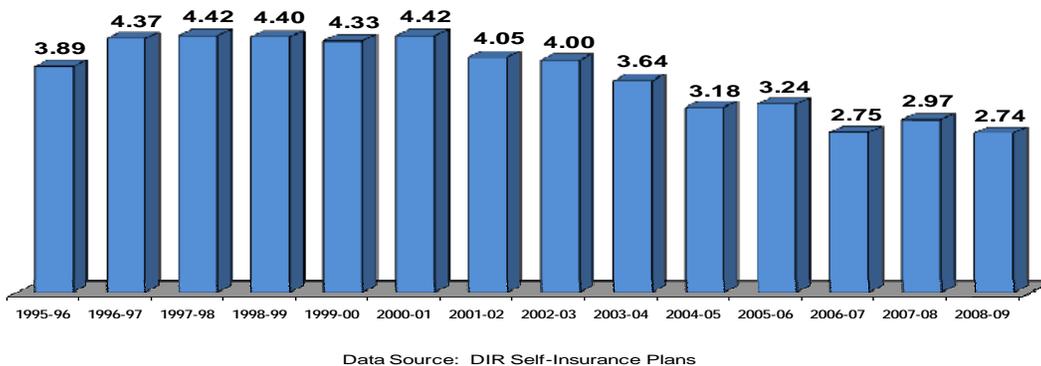
Number of Employees of Public Self-Insured Employers (Millions)



Indemnity Claims

The number of indemnity claims by employees working for public self-insured employers remained steady between 1996-1997 to 2000-2001. Between 2000-2001 and 2004-2005, the number of indemnity claims decreased steadily, increased slightly between 2004-2005 and 2005-2006, then decreased again between 2005-2006 and 2006-2007 to the lowest level in the past 14 years, increased by 8 percent from 2006-2007 to 2007-2008, and then decreased again by 7.7 percent from 2007-2008 to 2008-2009. The rate of claims in the public sector appears to be less sensitive to the reforms which produced the marked drops in frequency in the private sector.

Number of Indemnity Claims per 100 Employees Public Self-Insured Employers

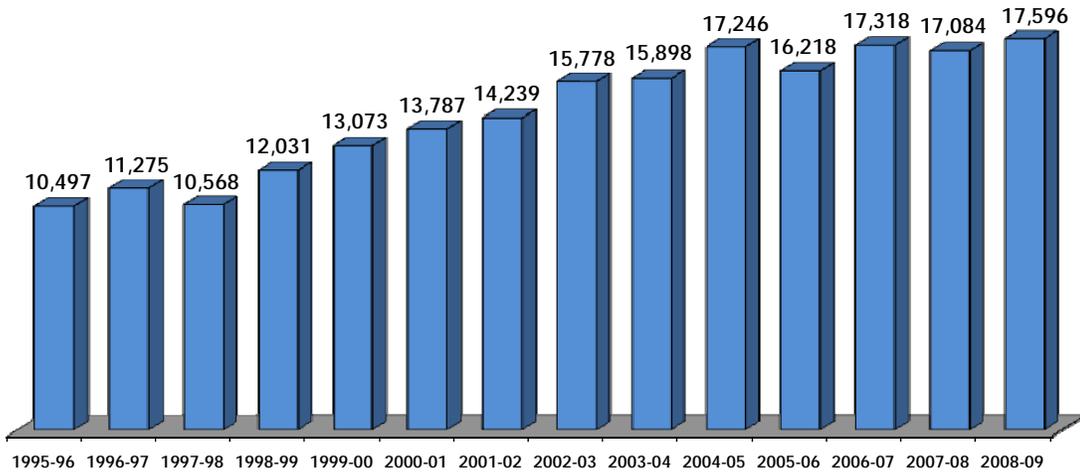


⁸ Data for Public Self-Insured Employers are from DIR's Office of Self Insurance Plans correspondence received by CHSWC in September 2010.

Incurred Cost per Claim

The following chart shows the incurred cost per indemnity claim for public self-insured employers. Between 1995-1996 and 2008-2009, the incurred cost per indemnity claim increased by about 68 percent from \$10,497 to \$17,596.

**Incurred Cost Per Indemnity Claim
Public Self-Insured Employers
(Dollar \$)**

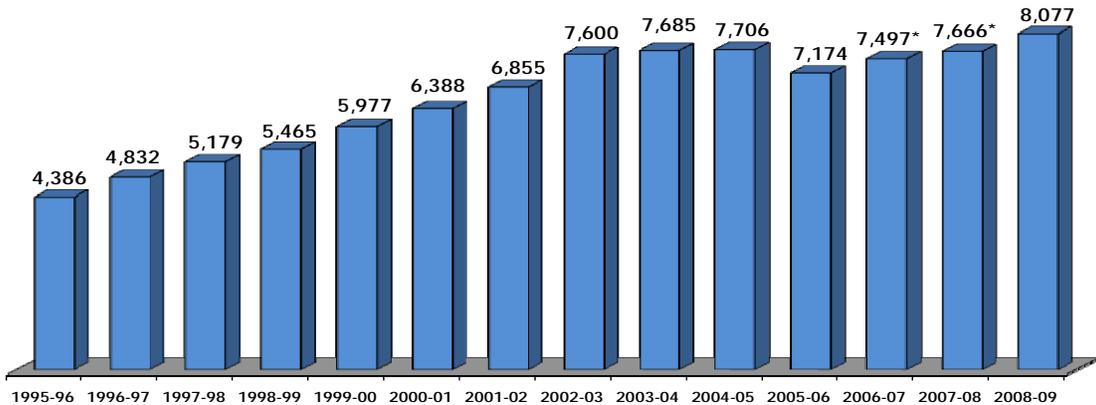


Data Source: DIR Self-Insurance Plans

Incurred Cost per Indemnity and Medical Claim

The following chart shows the incurred cost per indemnity and medical claim for public self-insured employers. Between 1995-1996 and 2002-2003, the incurred cost per indemnity and medical claim nearly doubled, leveled off between 2003-2004 and 2004-2005, decreased by 7 percent between 2004-2005 and 2005-2006, and then increased by about 13 percent from 2005-2006 to 2008-2009.

**Incurred Cost per Claim - Indemnity and Medical
Public Self-Insured Employers
(Dollar \$)**



* The data amounts were corrected per the Office of Self Insurance Plans (OSIP) as of January 11, 2011.

Data Source: DIR Self-Insurance Plans

Medical-Legal Expenses

Changes to the medical-legal process over the years have been intended to reduce both the cost and the frequency of litigation. Starting in 1989, legislative reforms restricted the number of medical-legal evaluations needed to determine the extent of permanent disability (PD). The qualified medical evaluator (QME) designation was intended to improve the quality of medical evaluations in cases where the parties did not select an agreed medical evaluator (AME). Legislation in 1993 attempted to limit workers' compensation judges to approving the PD rating proposed by one side or the other (Labor Code Section 4065, known as "baseball arbitration"). In addition, the 1993 legislation established a presumption in favor of the evaluation by the treating physician (Labor Code Section 4602.9), which was expected to reduce litigation and reduce costs.

In 1995, CHSWC contracted with University of California (UC), Berkeley to assess the impact of workers' compensation reform legislation on the workers' compensation medical-legal evaluation process.

This ongoing study has determined that during the 1990s, the cost of medical-legal evaluations dramatically improved. As shown in the following discussion, this was due to reductions in all the factors that contribute to the total cost. However, baseball arbitration proved to be impractical, and the treating physician's presumption turned out to cost more than it saved. AB 749, enacted in 2002, repealed baseball arbitration and partially repealed the primary treating physician's presumption, except when the worker had pre-designated a personal physician or personal chiropractor for injuries occurring on or after January 1, 2003. This partial repeal was carried further by SB 228 enacted in 2003 to all dates of injury, except in cases where the employee has pre-designated a personal doctor or chiropractor. Finally, in 2004, SB 899 completely repealed the primary treating physician's presumption.

The reforms of SB 899 also changed the medical dispute resolution process in the workers' compensation system by eliminating the practice of each attorney obtaining a QME of his or her own choice. The new provisions required that the dispute resolution process through an AME or a single QME applies to all disputes including compensability of claim and PD evaluation.

In cases where attorneys do not agree on an AME, SB 899 limits the attorneys to one QME jointly selected by process of elimination from a state-assigned panel of three evaluators. In cases without attorneys, the injured worker selects the QME from the state-assigned panel, similar to the process established since 1989 for non-attorney cases.

After a significant decrease of medical-legal expenses starting in 1989 when legislative reforms restricted the number and lowered the cost of medical-legal evaluations, there was again a significant increase in average medical-legal costs beginning in the 2000 accident year. In 2007, the average cost of medical-legal evaluations was \$1,527, or more than double from the 2000 accident year, reaching the highest level since 1989. In the workers' compensation system, the medical-legal cost is reported as a component of medical cost and comprises from 2 to 5 percent of the paid medical cost. A decline in medical costs shortly after passage of major reform measures in 2003 and 2004, followed by an increase starting in 2006, raises the question of how much of the changes in medical costs is attributable to changes in medical-legal costs. The table below shows the share of medical-legal costs in workers' compensation medical costs paid from 1998 to 2009.

Table: Percent of Medical-Legal Evaluation Costs in Total Medical Costs

Calendar Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Percent of Medical-Legal Evaluation Costs in Total Medical Costs	4.6	3.7	3.6	3.0	2.2	2.6	3.5	4.8	4.3	4.8	4.9	3.8

Source: WCIRB Losses and Expenses Report, Exhibit 1.4

Increases in both the number and cost of medical-legal evaluations are expected to result from two recent California Workers' Compensation Appeals Board *en banc* decisions. The *Almaraz/Guzman* and *Ogilvie* decisions may require more reports and more complex reports for the assessment of permanent impairment and disability, and as result, an increase in litigation and medical-legal costs.

Throughout the discussion of the cost of medical-legal reports, it will be important to remember that the quality of medical-legal reports has an impact on the cost of the system and the timeliness of benefit delivery which may very well overshadow the direct cost of the medical-legal reports.

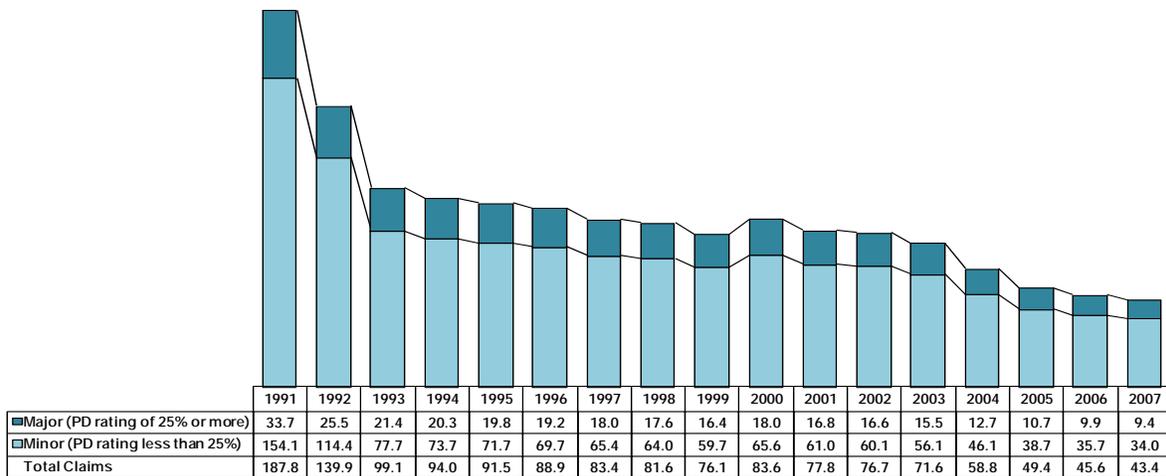
The medical-legal analysis that follows uses data from the WCIRB *Permanent Disability Survey*. Accident year 2007 is the latest year for which sufficiently mature data reports are available.

Permanent Disability Claims

The following chart displays the number of permanent partial disability (PPD) claims during each calendar year since 1989. Through 1993, WCIRB created these data series from Individual Case Report Records submitted as part of the Unit Statistical Report. Since that time, the series has been discontinued, and estimates for 1994 and subsequent years are based on policy year data adjusted to the calendar year and information on the frequency of all claims, including medical-only claims, which are still available on a calendar year basis.

The data presented in the medical-legal section of this report are current and based on the latest available data through accident year 2007.

PPD Claims at Insured Employers by Year of Injury (Thousands)



Data Source: WCIRB

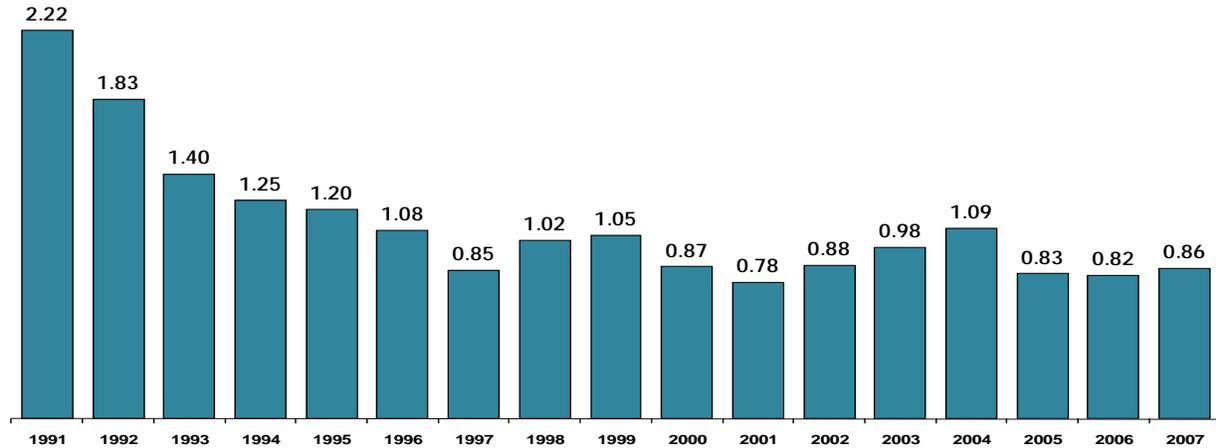
Medical-Legal Evaluations per Claim

The following chart illustrates that the average number of medical-legal evaluations per claim declined from 2.22 evaluations in 1991 to 0.78 in 2001. This decline of 69 percent is attributed to a series of reforms since 1989 and the impact of efforts against medical mills.

Reforms instituted in 1993 that advanced the role of the treating physician in the medical-legal process and granted the opinions of the treating physician a presumption of correctness were expected to reduce the average number of evaluations even further. Earlier CHSWC reports evaluating the treating physician presumption did not find that these reforms had significant effect on the average number of evaluations

per claim. SB 899 enacted in 2004 completely repealed the primary treating physician's presumption (Labor Code Section 4062.9).

**Number of Medical-Legal Evaluations per Workers' Compensation Claim
(At 40 months from the beginning of the accident year)**



Data Source: WCIRB

The change in the average number of evaluations between 1993 and 1994 was almost entirely the result of improvements that occurred during the course of 1993 calendar year claims. These results were based on smaller surveys done by WCIRB when the claims were less mature. These later data involving a larger sample of surveyed claims suggest that the number of evaluations per claim continued to decline after leveling off between 1993 and 1995.

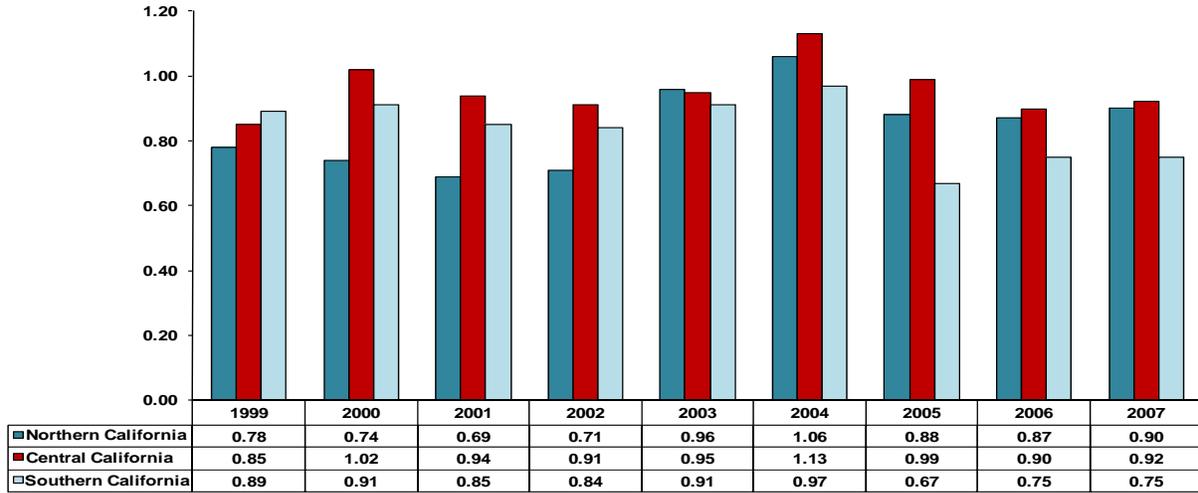
Between 2001 and 2004, the average number of medical-legal evaluations per claim increased by 29.5 percent. The increase from 2001 to 2004 could be driven by a number of factors, some of which are discussed in connection with the spike in early first medical-legal evaluations, discussed below. The average number of medical-legal evaluations per claim for accident year 2005 decreased by 24 percent compared to accident year 2004, went down to the level of 1997, and remained at that level for the 2006 and 2007 accident years. The decrease in evaluations was likely due to the SB 899 provision requiring a single QME or AME even in represented cases for injuries beginning January 1, 2005.

Medical-Legal Reporting by California Region

The different regions of California are often thought to have different patterns of medical-legal reporting. The revisions to the WCIRB *Permanent Disability Survey*, undertaken at the recommendation of CHSWC and instituted for the 1997 accident year, explored new issues. A zip code field was added to analyze patterns in different regions.

The following chart demonstrates the frequency with which medical-legal evaluations were used between 1999 and 2007 in different regions. As the number of evaluations per claim continued to decline between 2000 and 2002, the differences between regions became more pronounced. Between 2002 and 2004, the average number of medical-legal evaluations per claim for each region increased and then decreased again from 2004 to 2005, with the lowest number of medical-legal evaluations per claim (0.67) in nine years for Southern California. From 2005 to 2007, for the average number of evaluations per claim, there was a 12 percent increase in the Southern California region, a slight (2 percent) increase in Northern region, and 7 percent decrease in Central California region.

**Average Number of Medical-Legal Evaluations per Claim by Region
(at 34 months after beginning of accident year)**



Data Source: WCIRB

Usually, the Southern California region has had higher numbers for both the average cost per evaluations and the average number of evaluations per claim than the Northern California region. However, starting with 2004, the number of medical-legal evaluations per claim in the Northern California region grew higher than in the Southern California region. The number of medical-legal evaluations per claim in the Central California region was the highest among all three regions in seven out of the nine years.

Different regions of California have different patterns of medical-legal reporting. Also, regions with a higher share of workers' compensation claims in the system have a bigger impact on the average number of medical-legal evaluations per claim and average cost of medical-legal evaluations in the State. As the table below indicates, the Southern California region has the highest number of workers' compensation claims in the system, followed by the Northern California region.

Percentage of Medical-Legal Claims by Region ⁹				
	2004 1 st level	2005 1 st level	2006 1 st level	2007 1 st level
South	58.10%	63.10%	61.80%	63.50%
Central	16.30%	13.50%	13.60%	12.50%
North	25.70%	23.40%	24.60%	24.00%

Average Cost per Medical-Legal Evaluation

The average cost of a medical-legal evaluation per claim declined from 1991 to the mid-1990s and then increased from the mid-1990s to 2000 by 15 percent. Between 2000 and 2007, the average cost of a medical-legal evaluation more than doubled.

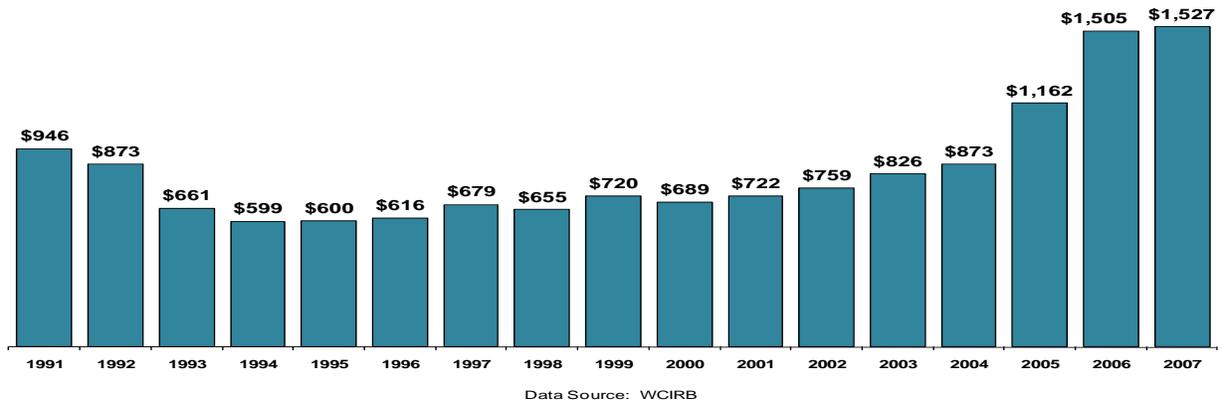
There are two reasons why the average cost per medical-legal evaluation declined from 1991 to 1995. First, substantial changes were made to the structure of the Medical-Legal Fee Schedule that reduced the rates at which medical-legal evaluations are reimbursed. These restrictions were introduced in early 1993 and enforced at the beginning of August 1993.

⁹ Based on WCIRB's *PD Survey* random sample.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Second, during this period, the average cost of a medical-legal evaluation was also being affected by the frequency of psychiatric evaluations. On average, psychiatric evaluations are the most expensive evaluations by specialty of provider. The relative portion of all evaluations that is made up of psychiatric evaluations has declined since hitting a high during 1990-1991, leading to a substantial improvement in the overall average cost per evaluation.

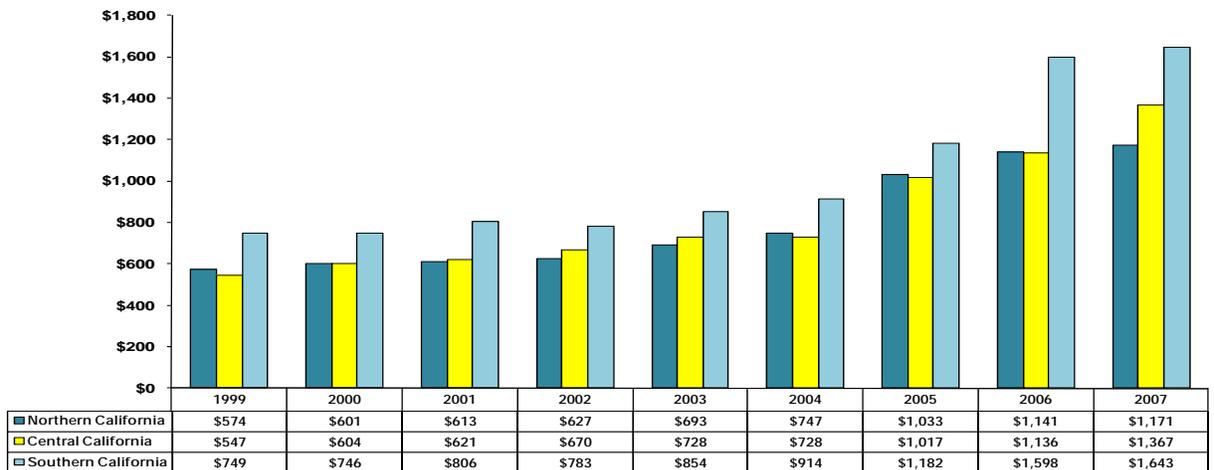
**Average Cost of a Medical-Legal Evaluation
(Evaluated at 40 months of accident year)**



In 2007, the average cost of a medical-legal evaluation increased by 75 percent compared to 2004 average medical-legal cost per evaluation and reached its highest level since 1991.

Since the mid-1990s, the average cost of a medical-legal evaluation has increased, even though the reimbursement under the medical-legal fee schedule did not change from 1993 until 2006.¹⁰ The revised *PD Survey* by WCIRB includes additional questions that reveal some of the potential causes of this increase in costs. The changes indicate various types of fee schedule classifications as well as geography factors.¹¹

**Average Cost of a Medical-Legal Evaluation by Region
(at 34 months after beginning of accident year)**



¹⁰ The new Medical-Legal Fee Schedule became effective for dates of service on or after July 1, 2006.

¹¹ Issues for injury years before 1997 cannot be examined because the WCIRB survey revision of that year prevents comparisons.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The survey data show that, on average, evaluations done in the Southern California region have always been substantially more expensive. Increases in the average cost are being driven by claims in the Southern California region as can be seen from the table below.

Table: Regional Contributions to the Increase of the Average Medical-Legal Costs: 2000-2007

Region	Distribution of Medical-Legal Evaluations by Region in 2000	Distribution of Medical-Legal Evaluations by Region in 2007	Change in Average Cost 2000-2007	Contribution of Each Region to the Average Cost
Southern California	58.6%	58.0%	\$1,042	73.5%
Central California	16.5%	14.0%	\$763	13.0%
Northern California	24.5%	26.0%	\$425	13.5%

Cost Drivers

The primary cost driver for California and its Southern region is not the price paid for specific types of evaluations.¹² Rather, the mix of codes under which the evaluations are billed has changed to include a higher percentage of the most complex and expensive evaluations and fewer of the least expensive type.¹³ The two tables below show the costs and description from the Medical-Legal Fee Schedule.

Table: Medical-Legal Evaluation Cost for Dates of Service Before July 1, 2006¹⁴

Evaluation Type	Amount Presumed Reasonable
ML-101 Follow-up/ Supplemental	\$250
ML-102 Basic	\$500
ML-103 Complex	\$750
ML-104 Extraordinary	\$200/hour

Table: Medical-Legal Evaluation Cost for Dates of Service on or After July 1, 2006

Evaluation Type	Amount Presumed Reasonable
ML-101 Follow-up/Supplemental	\$62.50/15 minutes or \$250/hr
ML-102 Basic	\$625
ML-103 Complex	\$937.50
ML-104 Extraordinary	\$62.50/15 minutes or \$250/hr

¹² An additional category "Other than ML-101, ML-102, ML-103, or ML-104" was included by WCIRB in types of evaluations for PD Survey 2007. This category comprises 2 percent of medical-legal claims.

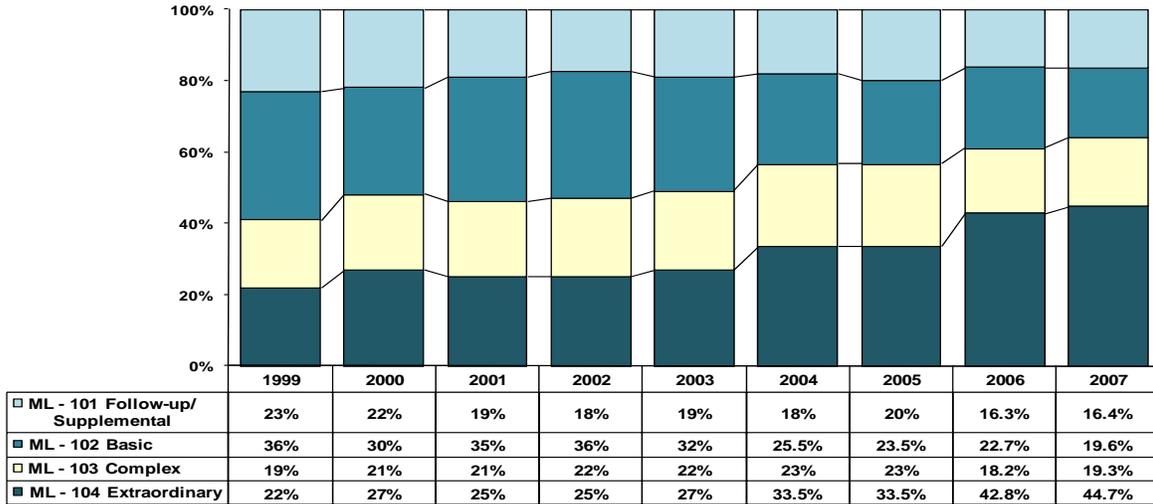
¹³ WCIRB also noted that much of the increase in the average cost of a medical-legal evaluation is attributable to increases in a proportion of more complex medical-legal evaluations. Claims Subcommittee meeting minutes for July 28, 2008.

¹⁴ Please note that Agreed Medical Evaluators receive 25 percent more than the rates shown in both of the tables.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

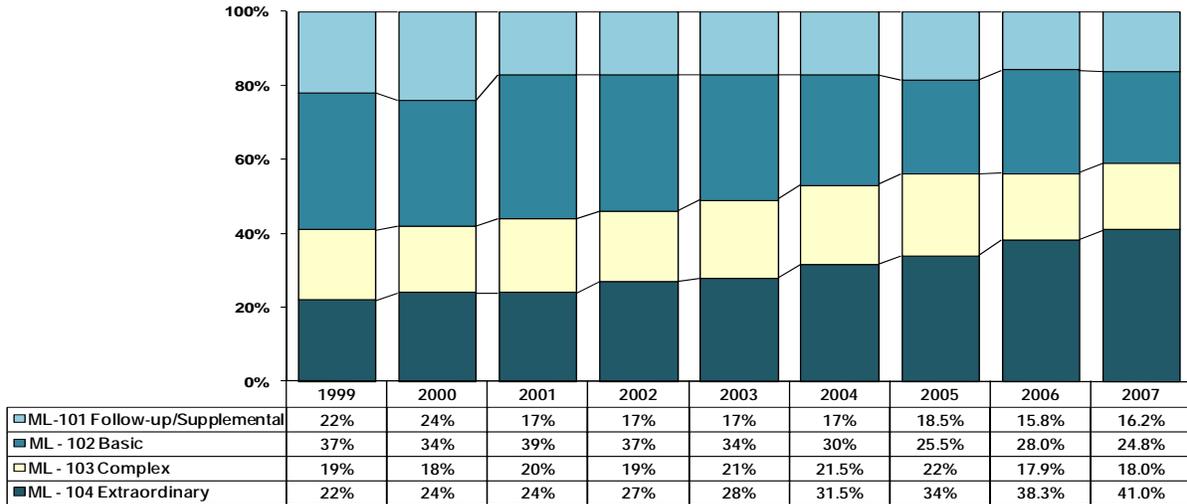
The following two charts indicate that the distribution of evaluations both in the Southern California region and California as a whole has shifted away from ML-101 evaluations to include a higher percentage of ML-104 evaluations with "Extraordinary" complexity.¹⁵ Evaluations with "Extraordinary" complexity increased from 22 percent to 44.7 percent in the Southern California region and from 22 percent to 41 percent in all regions from 1999 to 2007.

**Distribution of Medical-Legal Evaluations by Type
(Southern California)**



Data Source: WCIRB

Distribution of Medical-Legal Evaluations by Type (California)



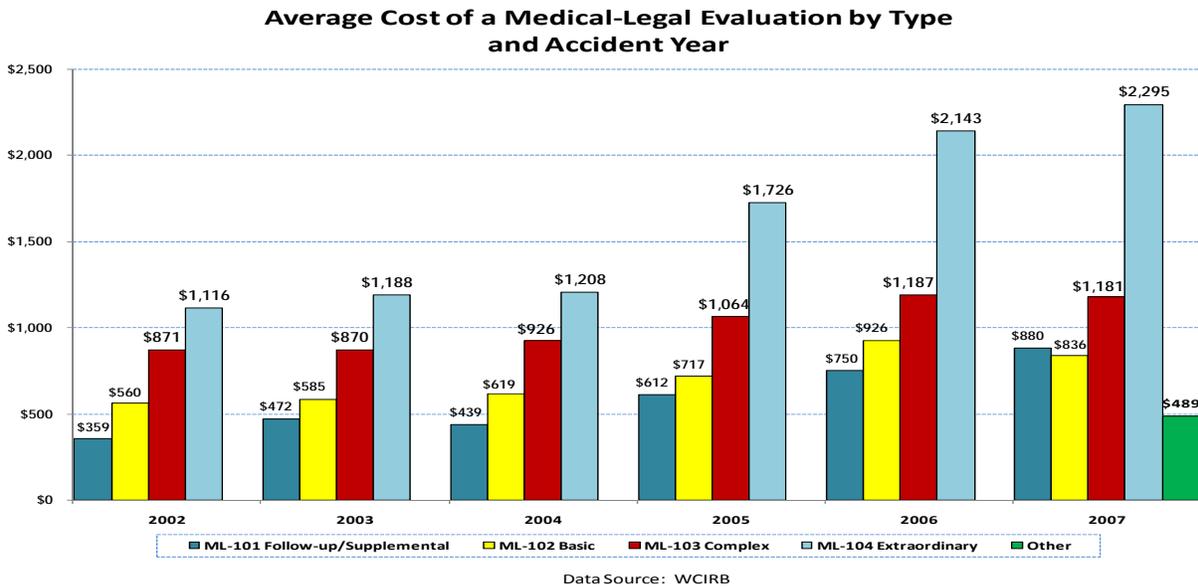
Data Source: WCIRB

¹⁵ Category "Other than ML-101, ML-102, ML-103, or ML-104" was excluded from two charts representing the distribution of medical-legal claims by type for comparability purposes.

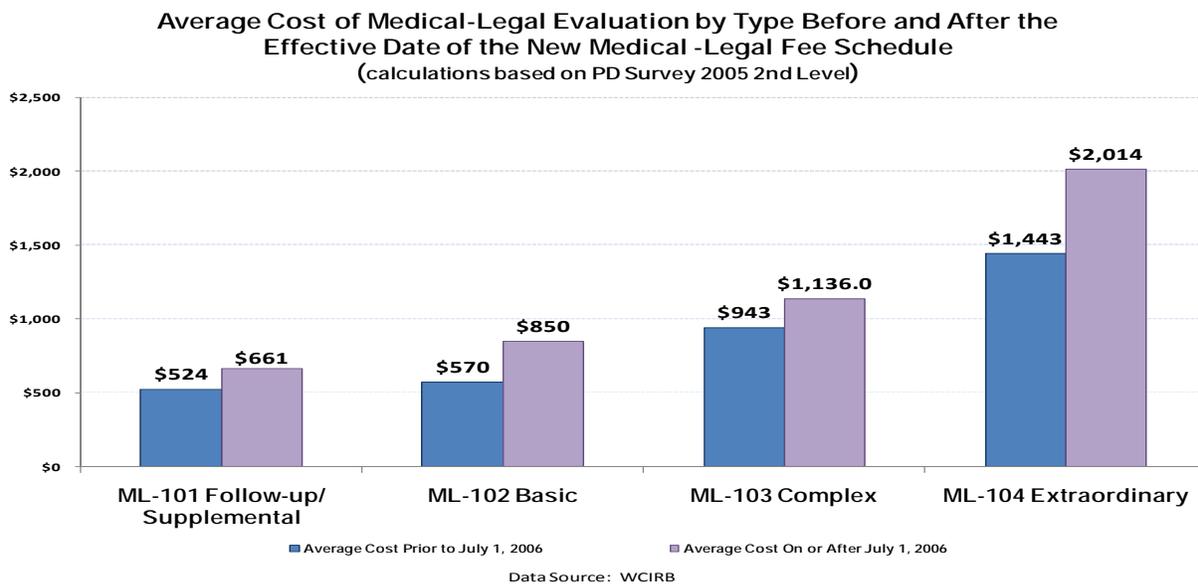
SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Increases to the medical-legal fee schedules for dates of services on or after July 1, 2006, could have also contributed to the higher average cost per evaluation. The chart below shows that the average cost per evaluation in each type of evaluation was higher in the 2007 accident year sample compared to the 2002 accident year. The biggest increases are for the Complex and Extraordinary cases.

In addition, the medical-legal evaluations in 2007 accident year had both a higher average cost of Extraordinary evaluations (\$1,116 and \$2,295 respectively) and a higher share of Extraordinary evaluations (27 percent and 41 percent respectively) than in accident year 2002. In 2007, the pattern had changed. From 2002 to 2006, the average cost of a Basic medical-legal evaluation was higher than the average cost of a Follow-Up/Supplemental evaluation. However in 2007, the average cost of a Basic medical-legal evaluation became lower than the average cost of a Follow-up/Supplemental evaluation.



The chart below shows that the average cost of Extraordinary medical-legal evaluations increased by 40 percent after July 1, 2006, when the new Medical-Legal Fee Schedule became effective.

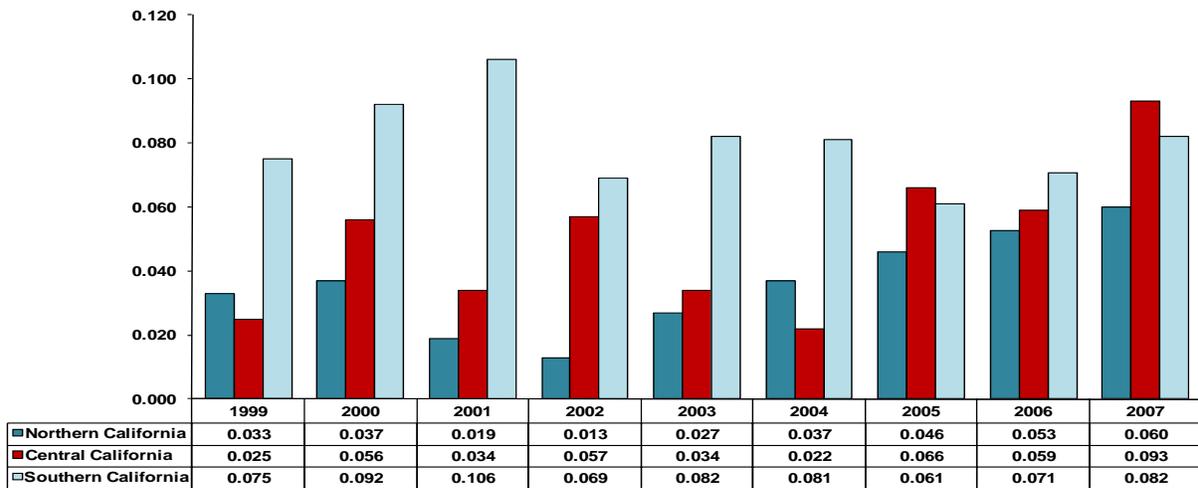


Psychiatric evaluations are nearly always billed under the ML-104 code that is the most expensive.

Another possible explanation for the differing trends in the average number of medical-legal evaluations per claim both in California and its regions and the growing frequency of the most Complex evaluations in California could be an increase in psychiatric evaluations reflected in a growth of this type of evaluations from 6.4 percent of total medical-legal evaluations in the 2004 sample to 8.7 percent in the 2006 sample and to 10.2 percent in the 2007 sample. For the average number of psychiatric evaluations per report, the chart below indicates a 15.5 percent increase in the Southern California region, a 13.2 percent increase in the Northern California region, and a 57.6 percent increase in Central California region, from 2006 to 2007.

At the same time, the average cost of a psychiatric evaluation increased by 12.4 percent, from \$2,545 in 2006 to \$2,860 in 2007, exacerbating the effect of the increase in the number of psychiatric evaluations in all three regions.

Average Number of Psychiatric Evaluations per PPD Claim by Region



Data Source: WCIRB

According to WCIRB's estimates based on the PD Claim Survey, claims with psychiatric evaluations increased from 6.4 percent of all medical-legal evaluations in 2005 to 13.4 percent in 2009, and the cost of psychiatric evaluations as a percent of the cost of all medical-legal evaluations increased from 13.6 percent in 2005 to 25.7 percent in 2009.

The average cost of a psychiatric medical-legal evaluation was the highest in comparison to average costs of other medical-legal evaluations by physician type, averaging \$3,057 in 2009, or almost twice as the average cost of all medical-legal evaluations, and showed 64.4 percent increases from its 2005 level. According to WCIRB's distribution of total workers' compensation medical costs paid by physician type, payments to psychiatrists increased from 1.4 percent in 2005 to 1.9 percent in 2009.

The recent data on the QME process presented in CHSWC studies in collaboration with UC Berkeley indicate a significant increase in the share of QME panels assigned to psychiatrist/psychologist specialties. The demand for psychiatric specialties as a part of all specialties increased from 6.5 percent in 2005 to 12.7 percent in 2010.

Both WCIRB and CHSWC/UC Berkeley data suggest that the frequency and related cost increases caused by psychiatric evaluations are likely to increase another 20 percent as the 2008 and 2009 PD Claim Survey data become available.

Total Medical-Legal Cost Calculation

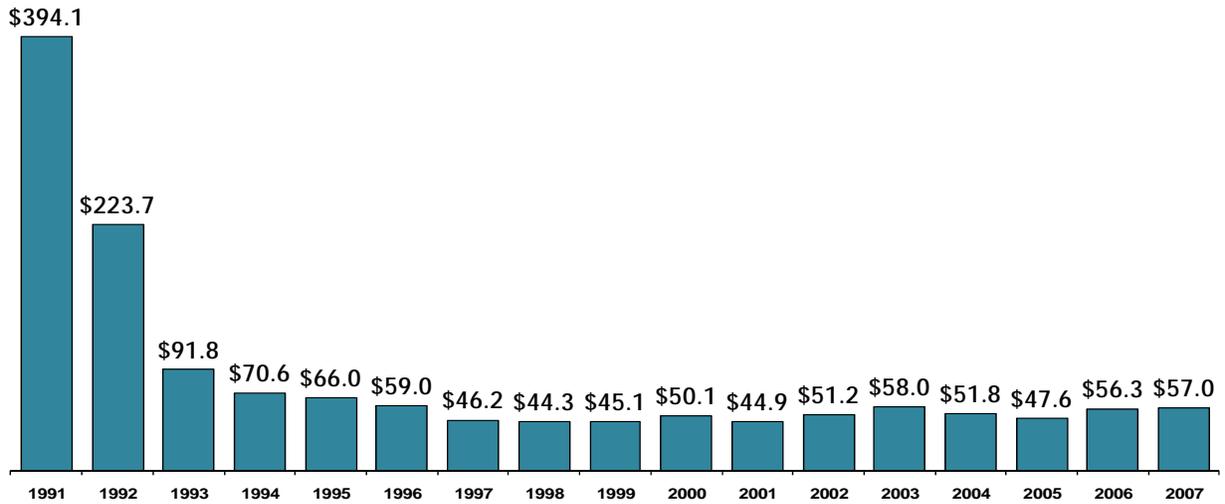
Total medical-legal costs are calculated by multiplying the number of permanent partial disability (PPD) claims by the average number of medical-legal evaluations per claim and by the average cost per medical-legal evaluation:

$$\text{Total Medical-Legal Cost} = \text{Number of PPD Claims} \times \text{Average Evaluations/Claim} \times \text{Average Cost/Evaluation}$$

Medical-Legal Costs

During the 1990s, the cost of medical-legal evaluation improved dramatically. For the insured community, the total cost of medical-legal evaluations performed on PPD claims by 40 months after the beginning of the accident year declined from a high of \$394.1 million in 1991 to an estimated \$57 million for injuries occurring in 2007. This is an 85.5 percent decline since 1991.

**Medical-Legal Costs on PPD Claims at Insured Employers
(In Million \$, 40 months after beginning of accident year)**



Data Source: WCIRB

Sources of Improvement in Medical-Legal Costs

The decline in total medical-legal costs for insurers as shown below reflects improvements in all components of the cost structure during the 1990s. As discussed in the previous sections, this substantial decline in total medical-legal costs for insurers results from significant decreases in two components of the cost structure: the total number of PPD claims; and the number of medical-legal evaluations per PPD claims. The source of savings can be attributed in almost equal proportion to the reduction in the number of evaluations performed per claim and the decline in PPD claim frequency.

Table: Sources of Change in Medical-Legal Costs

	1990	2007	Change 1990-2007
Number of PPD Claims	167.7	43.4	-74.1%
Number of evaluations per PPD Claims	2.53	0.86	-66.0%
Average Cost of Evaluation	\$986	\$1,527	+54.9%

ENDNOTES

i. CHSWC estimate based on Employment Development Department report, as above, showing 1,347,245 businesses. Of these, 964,862 were businesses with 0 to 4 employees. For this estimate, half of those businesses are assumed to have no employees subject to workers' compensation. $1,347,245 - (964,862/2) = 864,814$. <http://www.labormarketinfo.edd.ca.gov/?pageid=138>

ii. US Department of Commerce, Bureau of Economic Analysis, <http://www.bea.gov/regional/gsp/>, accessed June 2, 2009.

iii. The latest year for which Workers' Compensation Information System (WCIS) reports are reasonably complete. Data are from the Division of Workers' Compensation (DWC) report from the WCIS database, "Workers' Compensation Claims (in 000's) by Market Share with Eight Year History and Cumulative Totals, 2000-2009," June 3, 2010, <http://www.dir.ca.gov/dwc/WCIS/WCC-MarketShare.pdf>. Due to delayed reporting, the number of claims reported to WCIS for a given year may grow by more than 5 percent between the second and the fourth years after the end of the accident year. Boden, Leslie I. and Al Ozonoff, "Reporting Workers' Compensation Injuries in California: How Many are Missed?" (2008). CHSWC Report.

iv. Data for 2006 are from the Division of Workers' Compensation report from the WCIS database, "Workers' Compensation Claims (in 000's) by Market Share with Eight Year History and Cumulative Totals, 2000-2007," April 25, 2008. From 2002 through 2006, the average shares varied by no more than $\pm 0.5/-0.4$ for the insured share, $\pm 0.7/-0.5$ for the self-insured share, and ± 0.2 for the State. CHSWC omits the years 2000 and 2001 from these averages because reasonably complete reporting was not achieved until mid-2001.

WORKPLACE HEALTH AND SAFETY PERFORMANCE MEASURES

Occupational Injury and Illness Prevention Efforts

Workplace health and safety is of primary importance and the shared goal of all Californians. Ongoing cooperative efforts among workers, employers, employer and labor organizations, government agencies, health and safety professionals, independent researchers, and the public have resulted in significant reductions in workplace injuries, illnesses and deaths.

This section will discuss the numbers and incidence rates of occupational injuries and illnesses, injuries and illnesses by occupation and other factors, and the efforts to prevent occupational injuries and illnesses. Also included is an overview of the requirements and methods to record and report occupational injuries and illnesses in the United States (U.S.) and California.

Where data are available, comparisons among private industry, state government and local government are also included.

Occupational Injuries, Illnesses and Fatalities

The numbers of occupational injuries, illnesses and fatalities in the private sector (private industry) and the public sector (state and local government) for the past several years are displayed and discussed in this subsection. Fatality data for 2009 are preliminary as of September 2010.

Please note that "lost-work-time" occupational injury and illness cases involve days away from work, job transfer, or days of restricted work activity, and that days-away-from-work cases involve days away from work, whether or not there is also job transfer or restricted work activity.

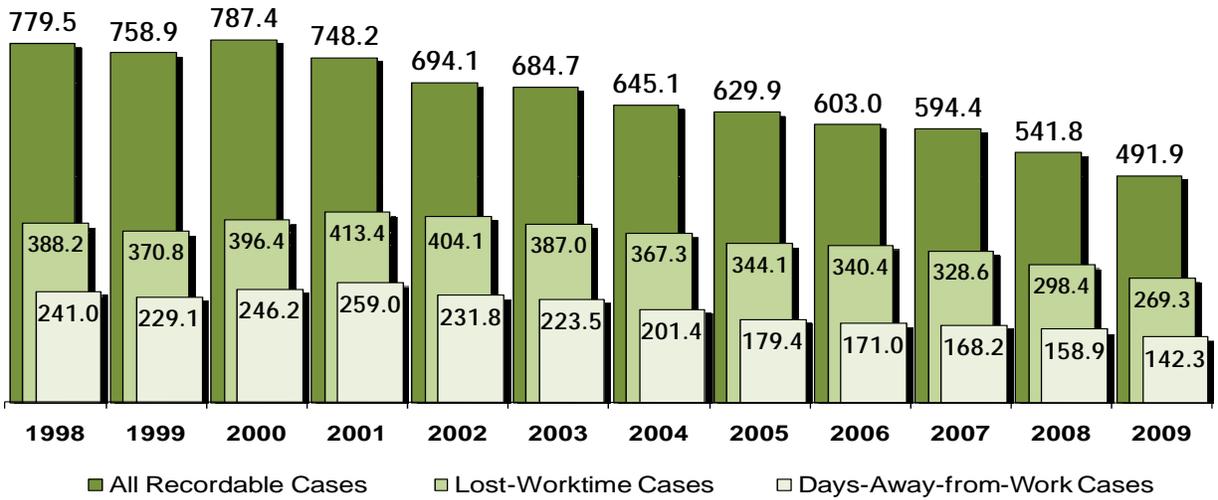
The National Academy of Social Insurance (NASI) estimated that there were 130,643 million workers covered by workers' compensation in the U.S. in 2008, including 15,248 million in California.

Public and Private Sectors Compared

Non-Fatal Occupational Injuries and Illnesses

The following chart shows occupational injuries and illnesses in California's private industry, state government and local government. Occupational injuries and illnesses in California have decreased noticeably in the past nine years. As shown in the following chart, the number of recordable occupational injury and illness cases, number of lost-work-time cases, and number of days-away-from-work cases have all declined from 2000 to 2009.

**California Non-Fatal Occupational Injuries and Illnesses
Private Industry, State and Local Governments - Thousands of Cases**

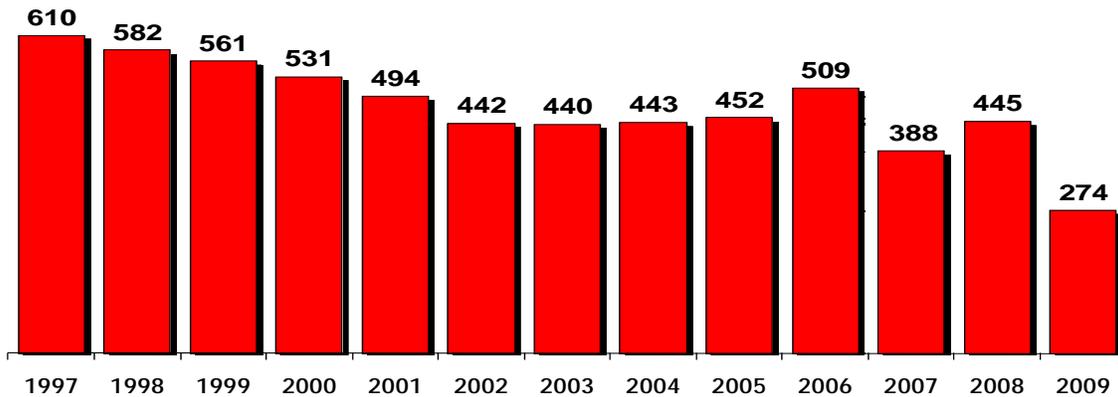


Source: DIR Division of Labor Statistics and Research

Fatal Occupational Injuries and Illnesses

Fatal occupational injuries and illnesses in California have also decreased significantly as depicted in the chart below. Fatal occupational injuries and illnesses in California declined by 27.4 percent from 1997 to 2003 and increased by 15.7 percent from 2003 to 2006. Fatal injuries decreased 23.8 percent from 2006 to 2007, increased 14.7 percent from 2007 to 2008, and then decreased again 38.4 percent from 2008 to 2009, the largest decrease within the past ten years.

**California Fatal Occupational Injuries and Illnesses
Private Industry, State and Local Governments***



* Total, excluding Federal Government

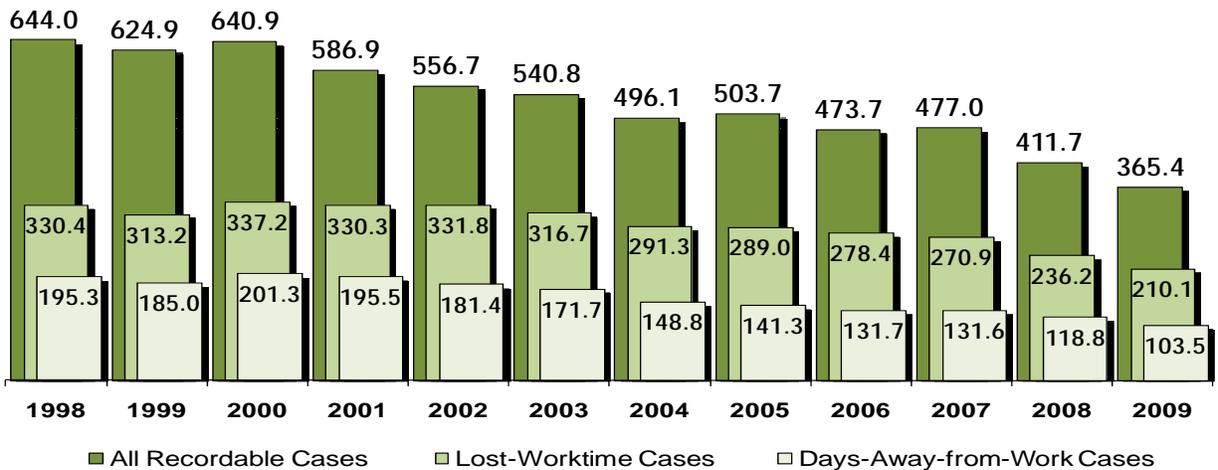
Data Source: DIR - DLSR and BLS

Private Sector

Non-Fatal Occupational Injuries and Illnesses

Occupational injuries and illnesses in California's private industry have also decreased noticeably in the past ten years. The total number of recordable injury and illness cases dropped by 43 percent, the number of lost-work-time cases declined by almost 38 percent, and the number of days-away-from-work cases decreased by almost 49 percent, all from 2000 to 2009.

**California Non-Fatal Occupational Injuries and Illnesses
Private Industry - Thousands of Cases**

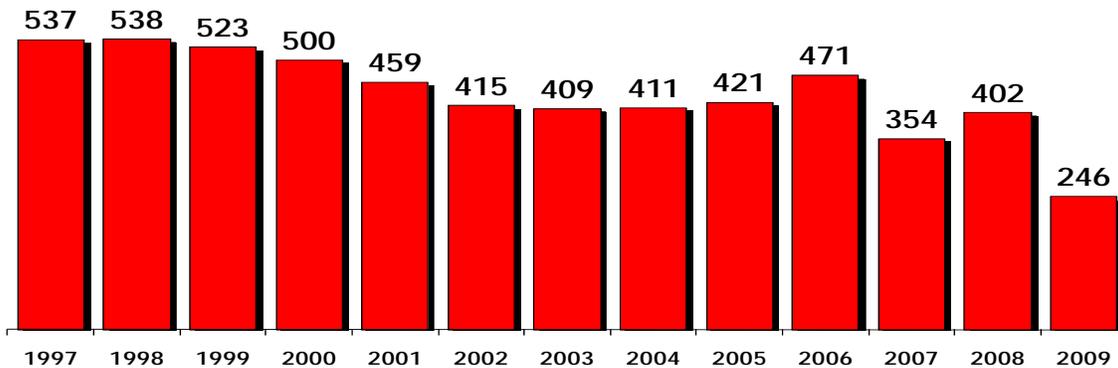


Source: DIR Division of Labor Statistics and Research

Fatal Occupational Injuries and Illnesses

From 1997 to 2003, fatal injuries in private industry decreased by 23.8 percent and increased by 15.2 percent from 2003 to 2006. The number of fatal injuries in private industry decreased 24.8 percent from 2006 to 2007, increased 13.6 percent from 2007 to 2008, and decreased 38.8 percent from 2008 to 2009.

**California Fatal Occupational Injuries and Illnesses
Private Industry**



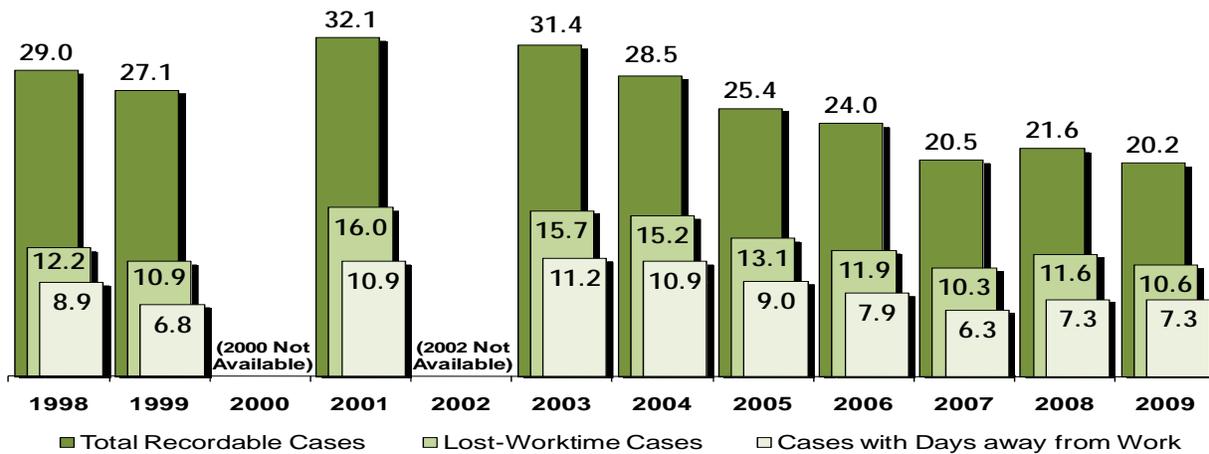
Source: DIR -DLSR and BLS

Public Sector – State Government

Non-Fatal Occupational Injuries and Illnesses

In contrast to private industry, the numbers of non-fatal occupational injuries and illnesses in state government have changed less appreciably in the past nine years, as shown on the following chart. It should be noted that many state and local government occupations are high-risk, such as law enforcement, fire fighting, rescue, and other public safety operations. The total number of cases declined by about 34.7 percent between 2003 and 2007, increased by 5 percent from 2007 to 2008, and then decreased by 6.5 percent from 2008 to 2009.

**California Non-Fatal Occupational Injuries and Illnesses
State Government - Thousands of Cases**

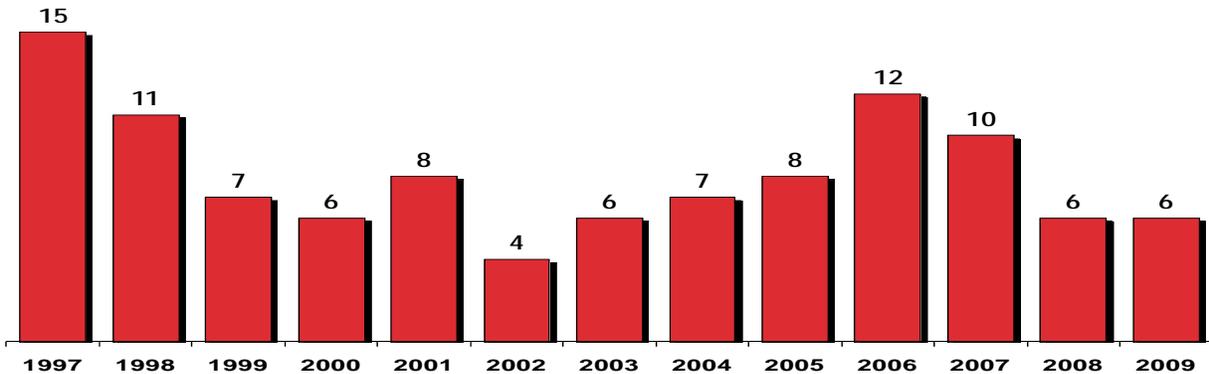


Source: DIR Division of Labor Statistics and Research

Fatal Occupational Injuries and Illnesses

Fatal occupational injuries and illnesses in California state government have decreased since the mid-1990s. The number of annual fatalities decreased from 15 in 1997 to 6 in 2000; then, the average number of fatalities of 6.5 from 2000 to 2005 increased to an average of 10 from 2005 to 2007, as shown on the following chart. There was a decrease in fatal occupational injuries and illnesses from 12 to 6 from 2006 to 2009.

**California Fatal Occupational Injuries and Illnesses
State Government**



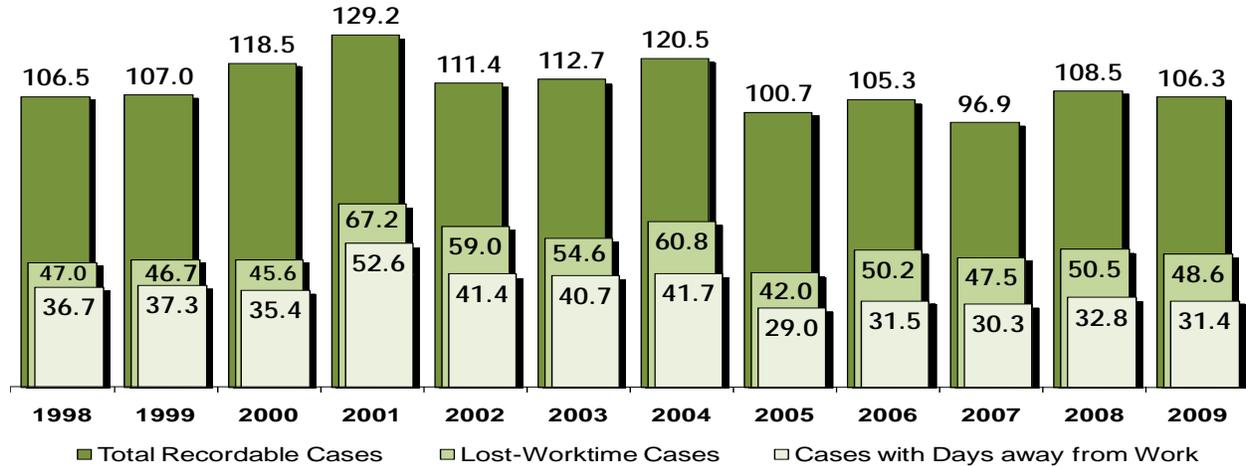
Source: DIR - DLSR and BLS

Public Sector - Local Government

Non-Fatal Occupational Injuries and Illnesses

The total number of non-fatal occupational injuries and illnesses in local government fluctuated over the past several years. The number of injuries and illnesses in this sector decreased from 2004 to 2005 by 16 percent, increased by 4.6 percent from 2005 to 2006, decreased by 8 percent from 2006 to 2007, and again increased by almost 10 percent to 106.3 cases in 2009.

**California Non-Fatal Occupational Injuries and Illnesses
Local Government - Thousands of Cases**

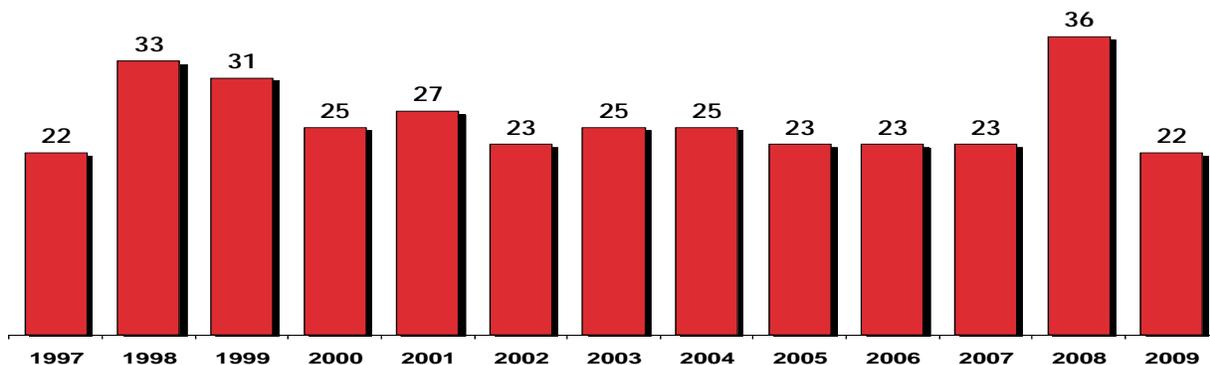


Source: DIR Division of Labor Statistics and Research

Fatal Occupational Injuries and Illnesses

After increasing from 22 to 33 from 1997 to 1998, the number of fatal occupational injuries and illnesses in California's local governments averaged 32 in 1998 and 1999, while from 2000 to 2007, the annual average was 24.25. There was a 56.5 percent increase in the number of fatal occupational injuries and illnesses in California's local governments from 2007 to 2008, and then a 38.9 percent decrease to its 2005-2007 level from 2008 to 2009.

**California Fatal Occupational Injuries and Illnesses
Local Government**



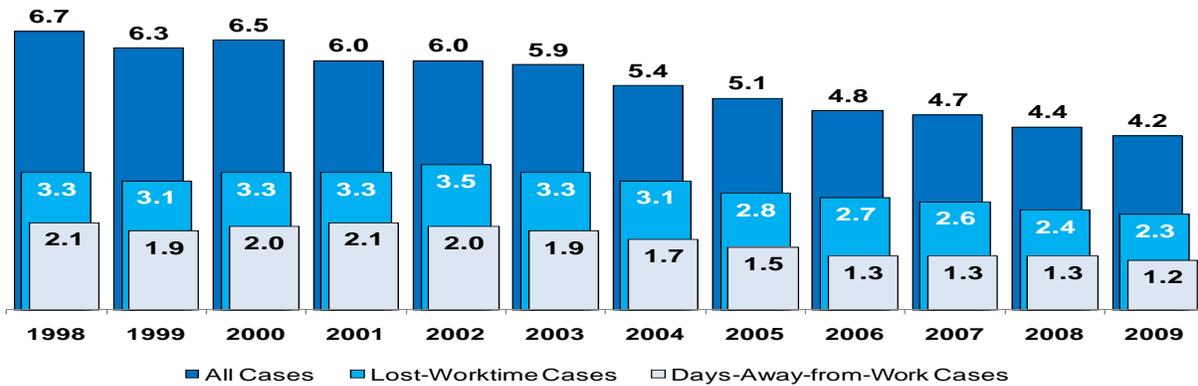
Source: DIR - DLSR and BLS

Occupational Injury and Illness Incidence Rates

Public and Private Sectors Compared

From 1998 to 2009, incidence rates for all cases and lost-work-time cases in California declined. Between 1999 and 2002, the incidence rates for days-away-from-work cases remained relatively the same, but then have declined since 2002.

**California Occupational Injury and Illness Incidence Rates
(Cases per 100 Full-Time Employees)
Private Industry, State and Local Governments**

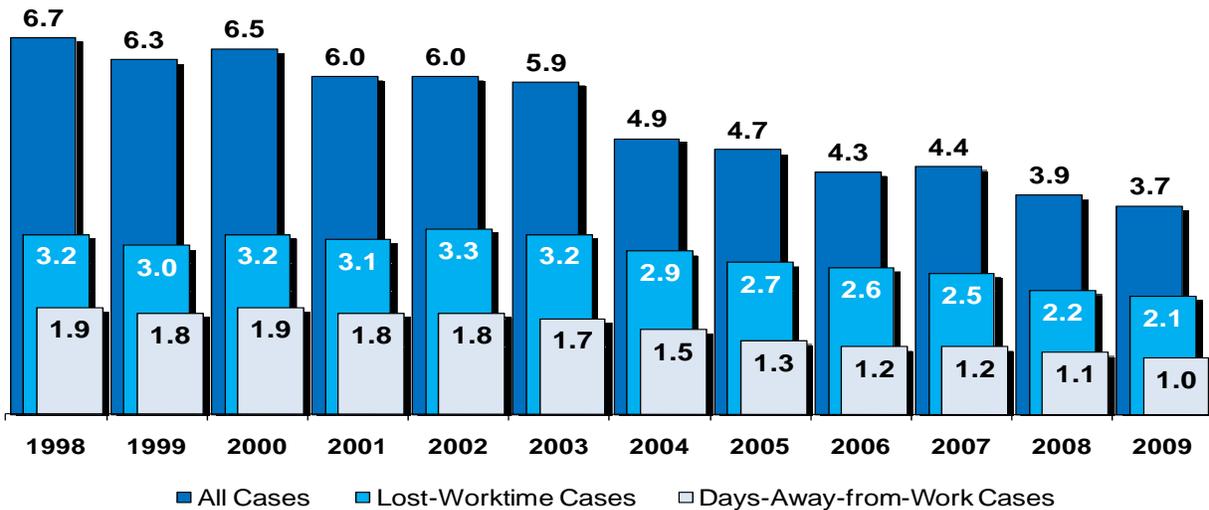


Data Source: DIR - Department of Labor Statistics and Research

Private Sector

From 1998 to 2009, the occupational injury and illness incidence rate for all cases in California's private industry declined from 6.7 to 3.7, a decrease of almost 45 percent, while the incidence rate for lost-time cases dropped from 3.2 to 2.1, a decrease of 47 percent.

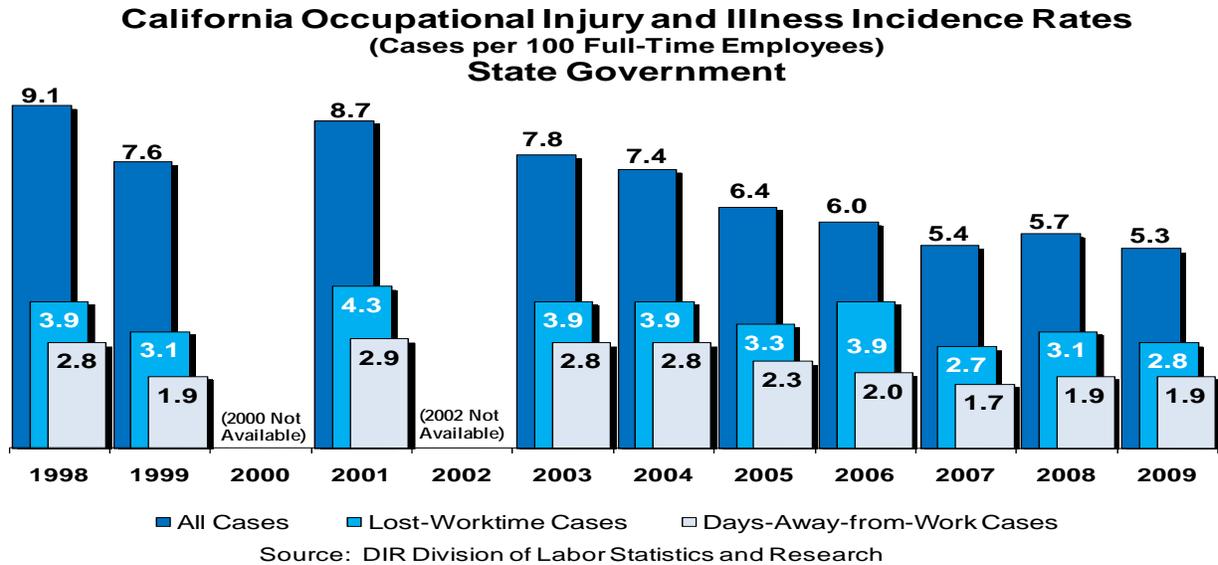
**California Occupational Injury and Illness Incidence Rates
(Cases per 100 Full-Time Employees)
Private Industry**



Source: DIR Division of Labor Statistics and Research

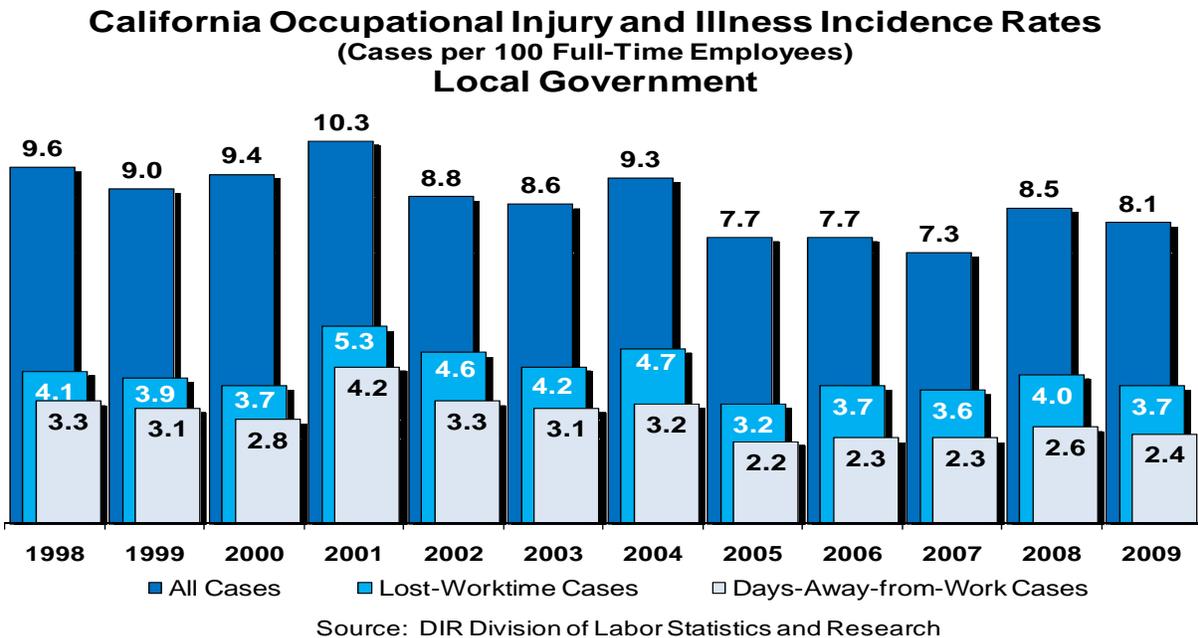
Public Sector - State Government

California state government occupational injury and illness incidence rates declined by 42 percent from 9.1 cases in 1998 to 5.3 cases per 100 full-time employees in 2009.



Public Sector – Local Government

Local government occupational injury and illness incidence rates decreased from 1998 to 1999, increased through 2001, decreased through 2003, and then increased again in 2004. From 2004 to 2005, injury and illness rates decreased by 17 percent, then remained fairly stable between 2005 and 2007, increased again by 16 percent from 2007 to 2008, and then decreased by 4.7 percent from 2008 to 2009 from 8.5 to 8.1 per 100 full-time employees.



California Fatality Incidence Rates

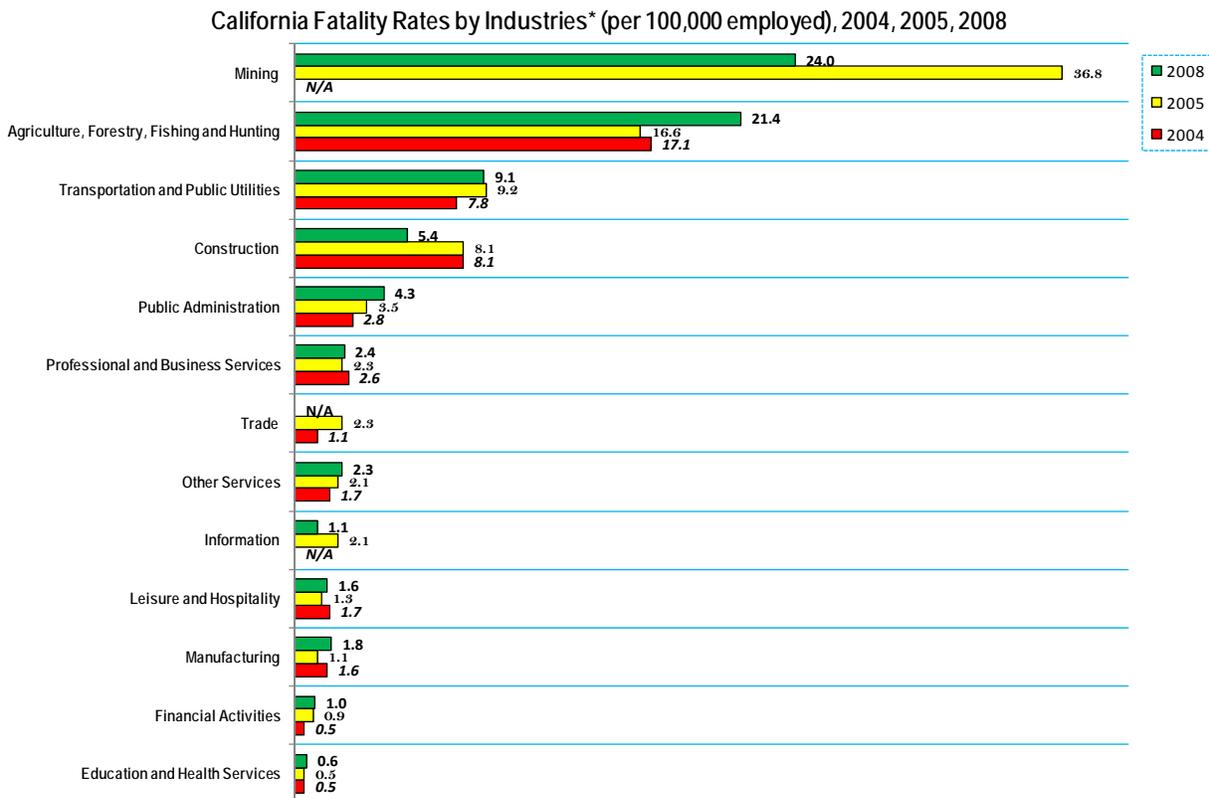
Fatality per employment rates may be used to compare the risk of incurring injury among worker groups with varying employment levels. From 1999 to 2004, there was a decrease of 33.3 percent in fatality rates in California. From 2004 to 2006, the fatality rate increased by 29 percent, decreased by 16 percent from 2006 to 2007, and then increased by 7.7 percent from 2007 to 2008.



* Excludes military personnel and workers under age 16. Includes all self-employed, family business, and wage and salary workers. The Government is not presented separately and may be included in any industry category.
 ** Computed using estimates of civilian workers (age 16 and older) from the Current Population Survey (CPS) and are expressed as the number of fatalities per 100,000 employed.

Data Source: U.S. Department of Labor, BLS, in cooperation with State and Federal agencies, Census of Fatal Occupational Injuries

The chart below shows the fatality incidence rates by major industries in 2004, 2005 and 2008.



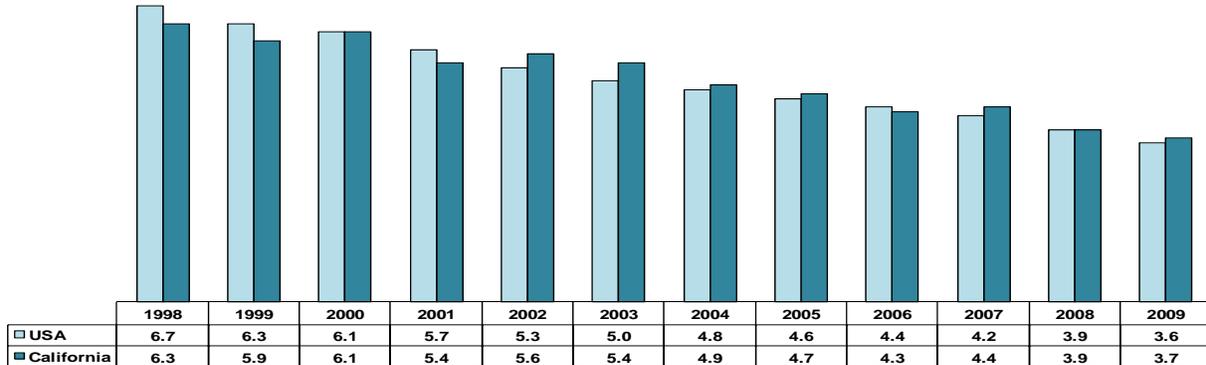
* From 2003, classified by NAICS. Because of substantial differences between NAICS and SIC used for prior years, comparisons between prior years and 2003 and on should not be made. (Data for 2006 and 2007 unavailable)

Data Source: BLS, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses in cooperation with participating State agencies

United States and California Incidence Rates: A Comparison

Both the U.S. and California have experienced a decrease in occupational injury and illness incidence rates from 1998 through 2009. During that time, the U.S. incidence rate dropped by more than 46 percent, while the California rate declined by 41 percent. Since 2002, the incidence rate in California has been mostly above the national average.

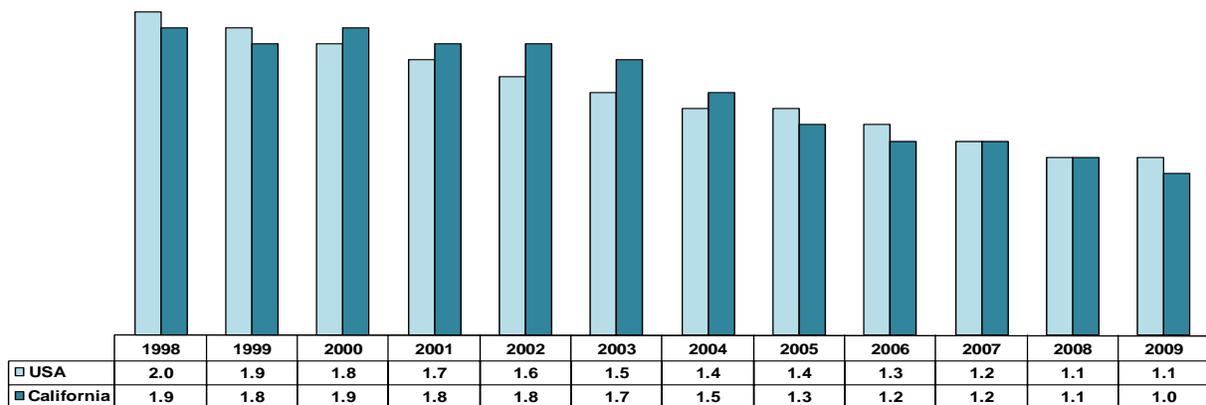
**USA and California
Injury and Illness Incidence Rate per 100 Full-Time Workers
Private Industry - Total Recordable Cases**



Source: US Department of Labor, Bureau of Labor Statistics

The incidence rate of occupational injury and illness days-away-from-work cases has also declined in the U.S. and California from 1998 through 2009. During that time, the U.S. incidence rate for cases with days away from work dropped by more than 45 percent, while the California rate declined by 47 percent.

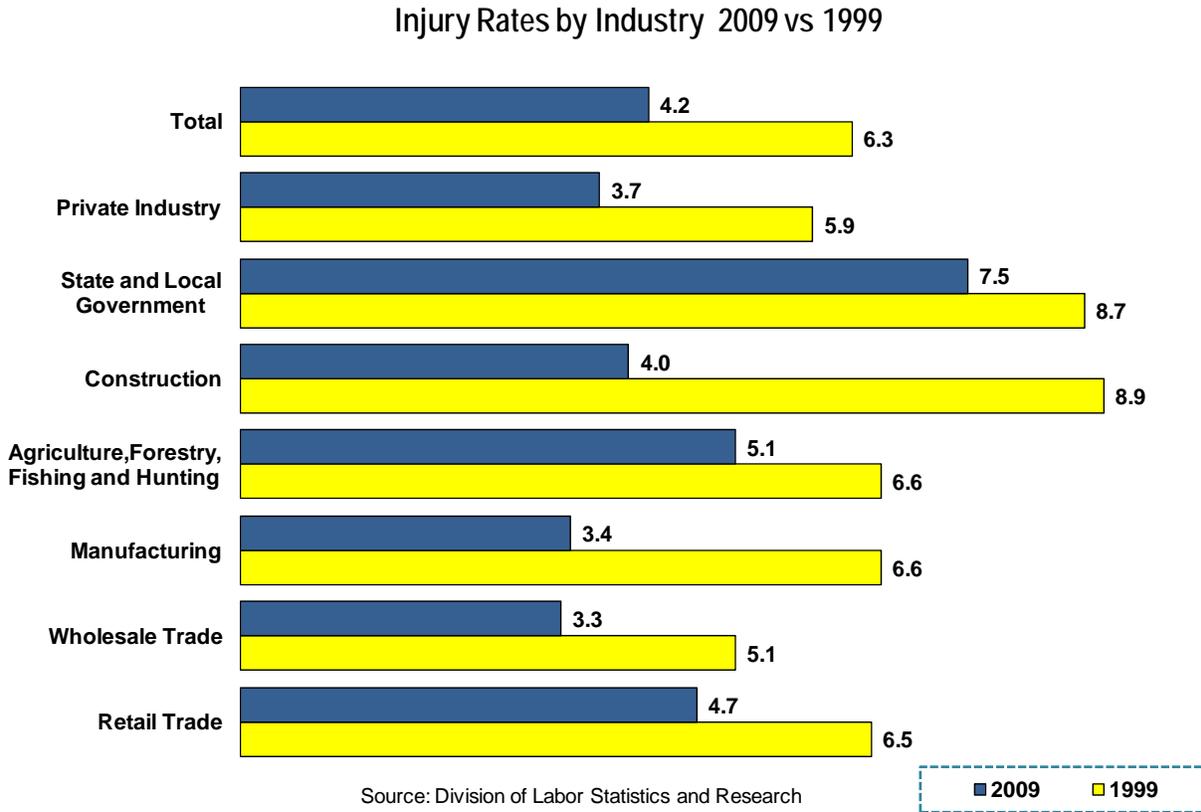
**USA and California
Injury and Illness Incidence Rate per 100 Full-Time Workers
Private Industry - Cases with Days Away from Work**



Source: US Department of Labor, Bureau of Labor Statistics

Characteristics of California Occupational Injuries and Illnesses

This section compares incidence rates by industry in 1999 with those in 2009. The overall California occupational injury and illness incidence rates have declined, and the incidence rates in major industries have also declined. The following chart compares incidence rates for total recordable cases in 1999 and 2009 by type of major industry including state and local government.

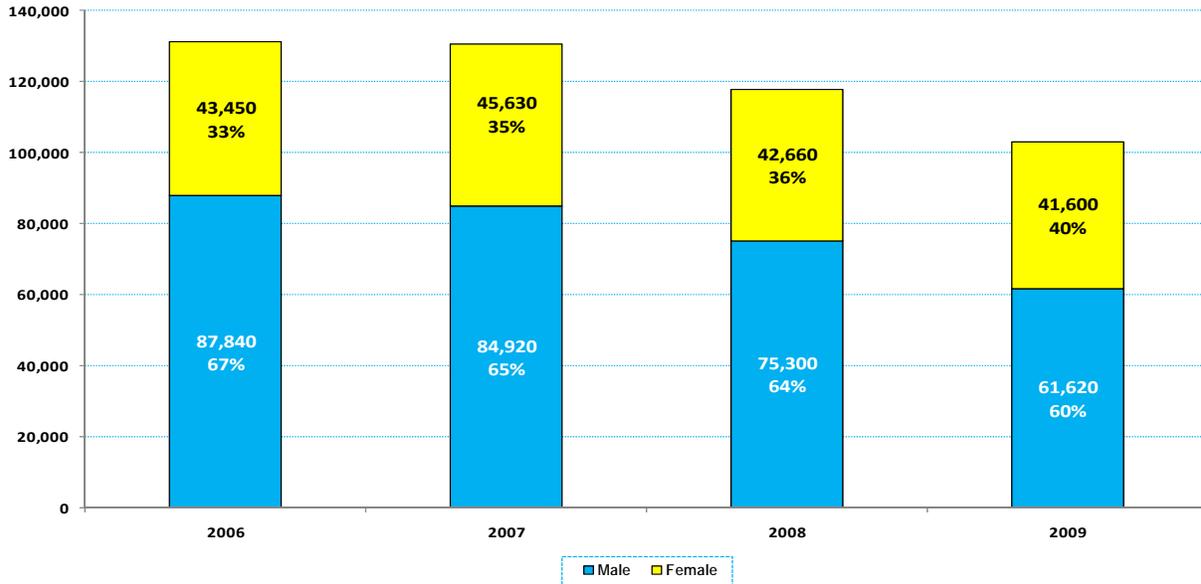


The smallest decline during this period in incidence rates was in the state and local government, and the largest decrease was in construction.

Characteristics of California Non-Fatal Occupational Injuries and Illnesses

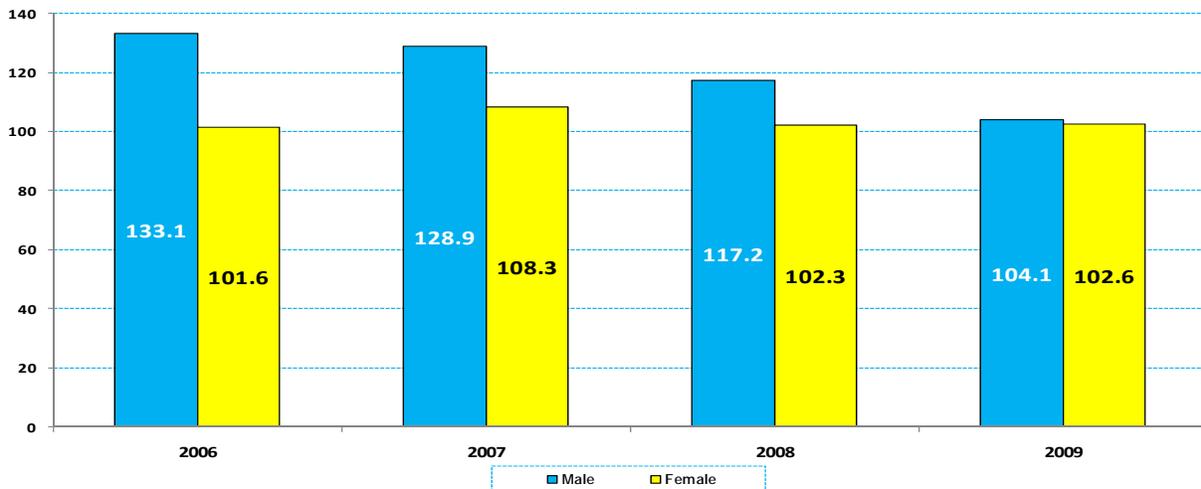
The following charts illustrate various demographic characteristics of non-fatal occupational injuries and illnesses in California's private industry.

Number of Non-Fatal Occupational Injuries and Illnesses in California by Gender (Private Industry), 2006-2009



Data Source: DLSR

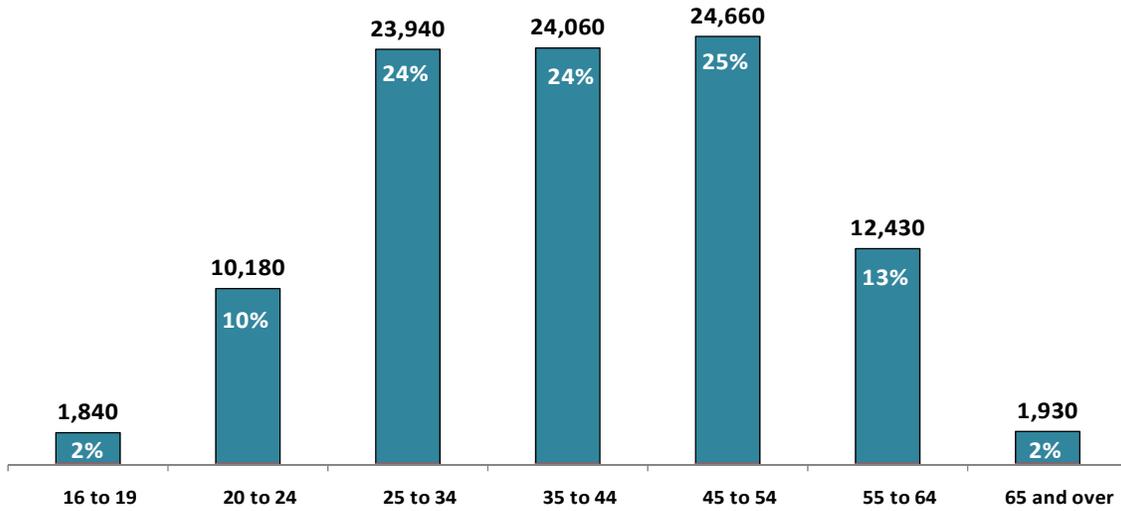
California Occupational Injury and Illness Incidence Rates* by Gender (Cases per 10,000 full-time employees) Private Industry, 2006 - 2009



* With days away from work with or without job transfer or restriction.

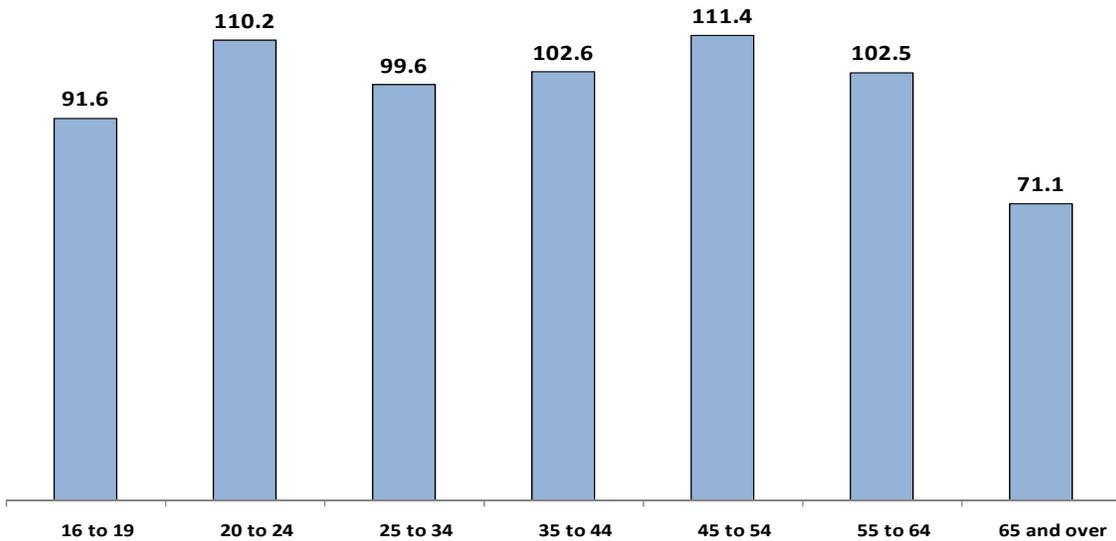
Data Source: BLS, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses in cooperation with participating State agencies.

**Number of Non-Fatal Occupational Injuries and Illnesses in California
by Age (Private Industry)- 2009**



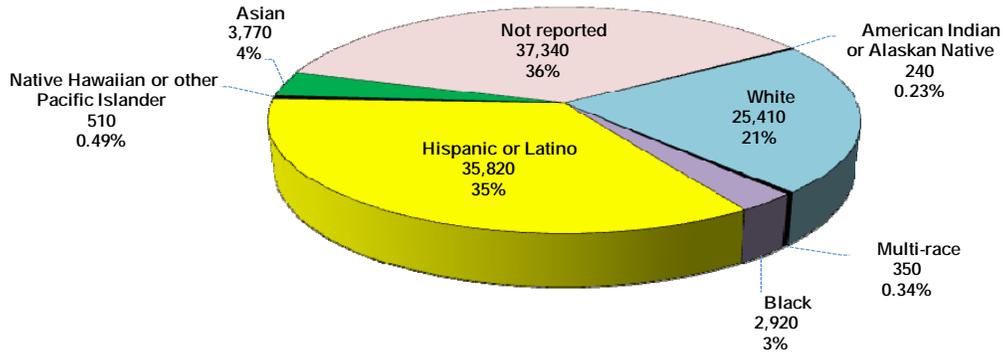
Data Source: DLSR

**California Occupational Injury and Illness Incidence Rates by Age
(Cases per 10,000 full-time workers)
Private Industry - 2009**



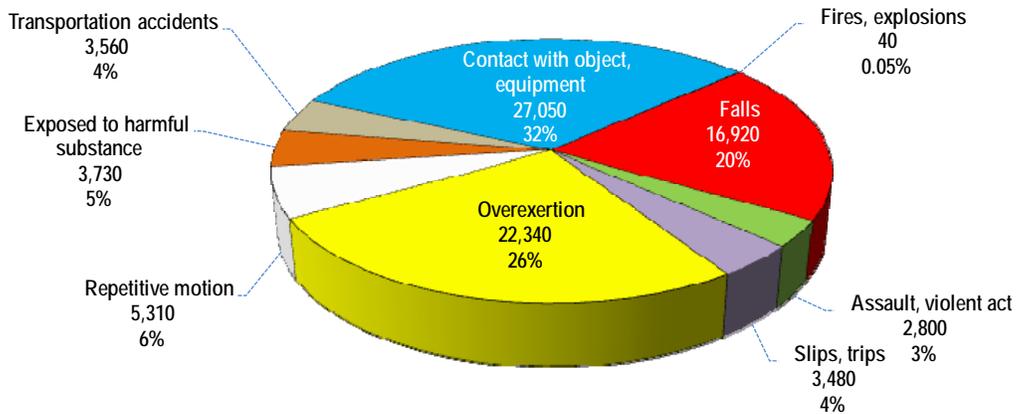
Data Source: BLS, Department of Labor, Survey of Occupational Injuries and Illnesses in cooperation with participating State Agencies

California Non-Fatal Occupational Injuries and Illnesses
by Race or Ethnic Origin (Private) - 2009



Data Source: DLSR

California Non-Fatal Occupational Injuries and Illnesses
by Event and Exposure (Private) - 2009

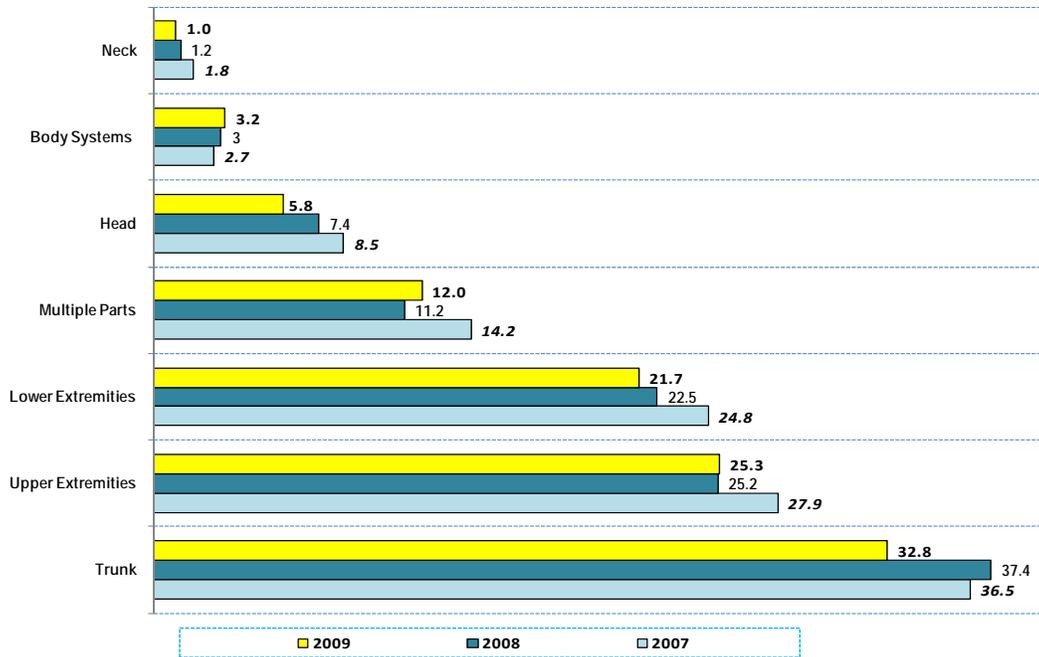


Data Source: DLSR

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The following chart shows that the trunk and upper extremities were the major body parts with the greatest incidence rates in 2007, 2008 and 2009.

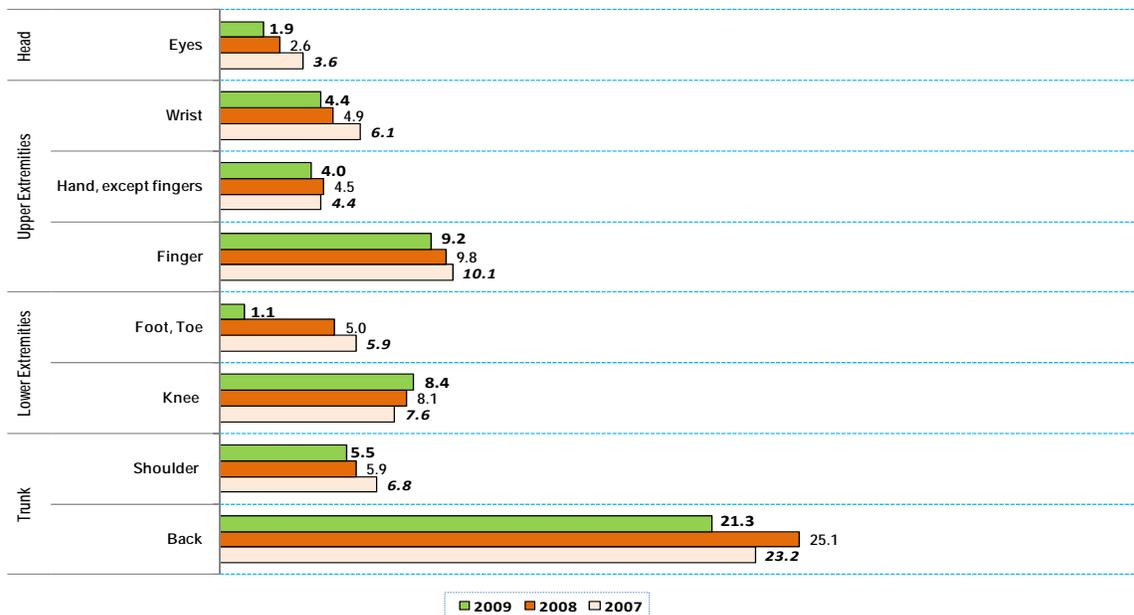
Incidence Rates for Non-Fatal Occupational Injuries and Illnesses by Major Body Parts
(per 10,000 full-time workers) Private Industry, 2007 - 2009



Data Source: BLS, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses (SOII) in cooperation with participating State agencies.

The following chart shows that the back was the body part with the highest incidence rate in 2007, 2008 and 2009.

Incidence Rates for Non-Fatal Occupational Injuries and Illnesses by Body Part Units
(per 10,000 full-time workers) Private Industry, 2007 - 2009

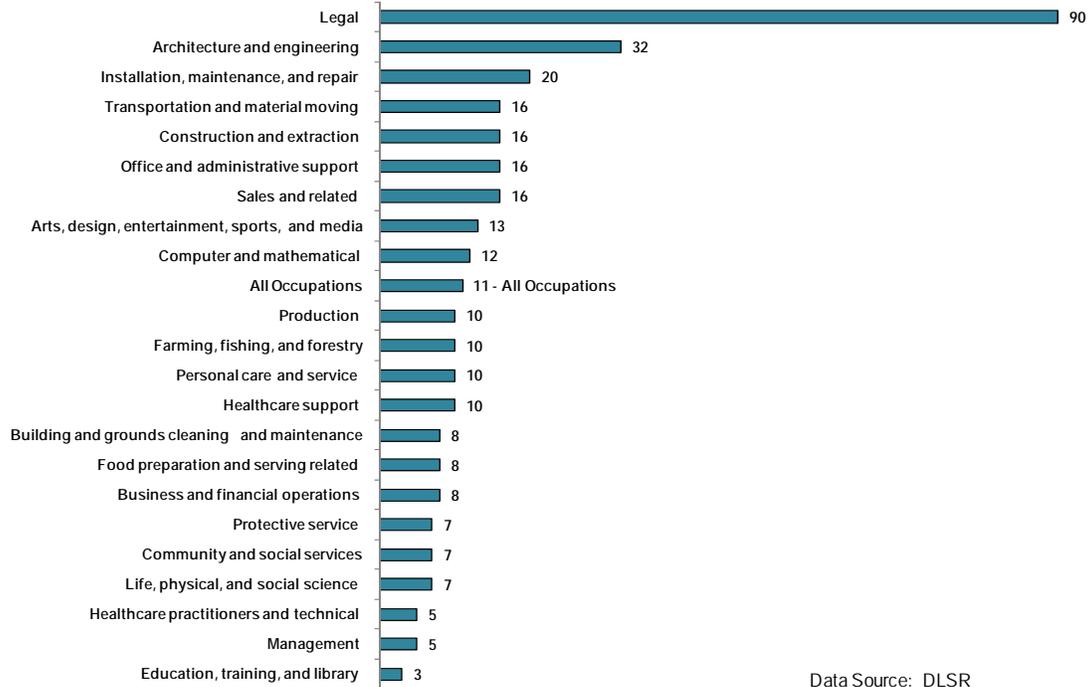


Data Source: BLS, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses (SOII) in cooperation with participating State agencies.

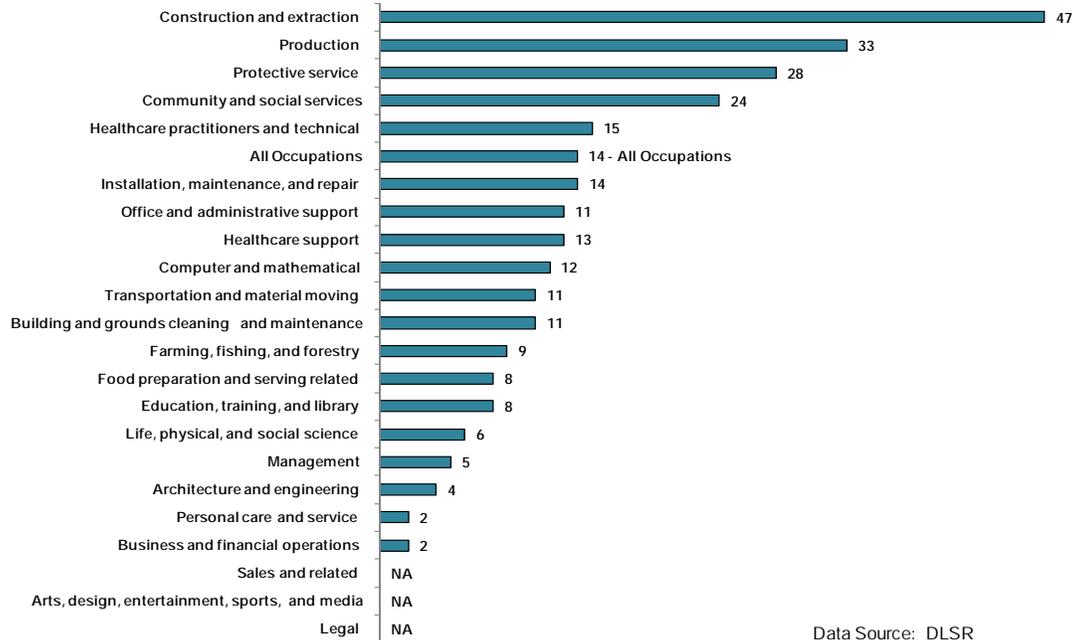
SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The following three charts compare the median days away from work for private industry occupations, state government occupations, and local government occupations. Legal, construction and extraction, and arts, design, entertainment, sports, and media occupations have the greatest median days away from work in private industry, state government, and local government respectively.

**Non-Fatal Occupational Injuries and Illnesses by Major Occupational Group
Median Days Away from Work (Private) - 2009**

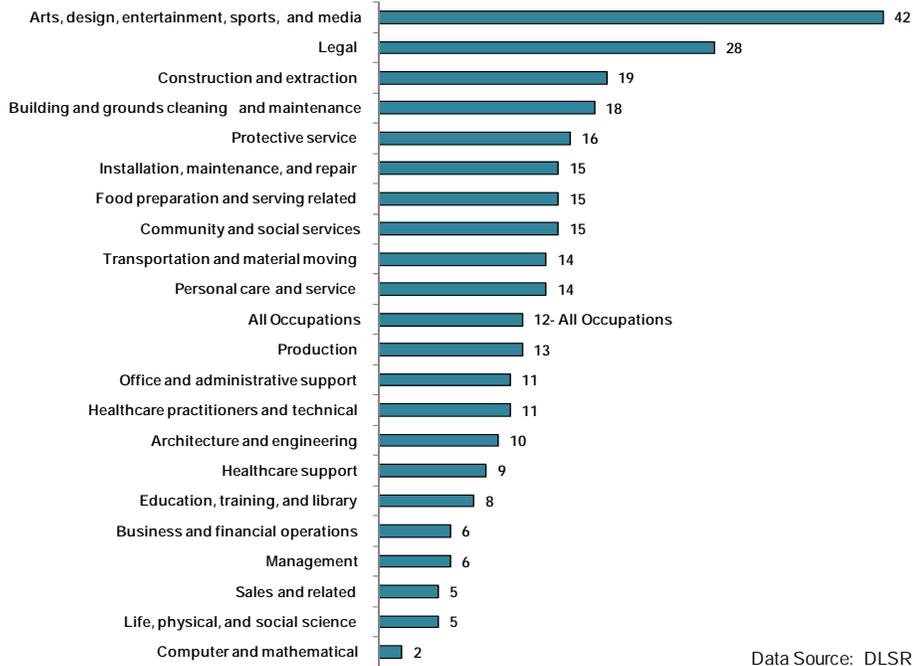


**Non-Fatal Occupational Injuries and Illnesses by Major Occupational Group
Median Days Away from Work (State Government) - 2009**



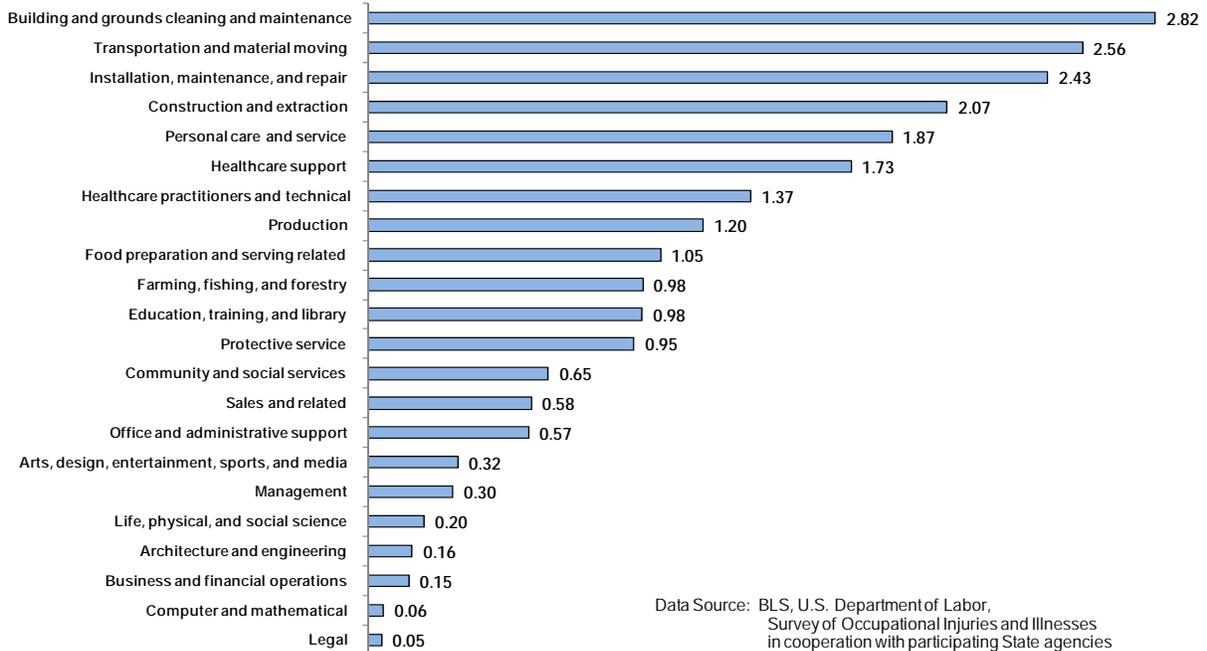
SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

**Non-Fatal Occupational Injuries and Illnesses by Major Occupational Group
Median Days Away from Work (Local Government) - 2009**



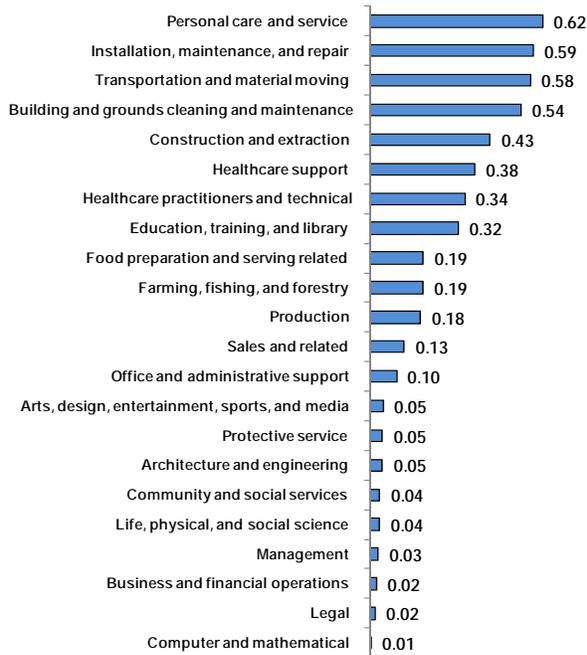
The following two charts compare the injury and illness incidence rates, including back injury, for various occupations. The building and grounds cleaning and maintenance occupations had the highest incidence rate in 2009, followed by the transportation and material moving occupations.

**Incidence Rates by Private Sector Occupational Group (per 100 full-time workers)
Non-Fatal Occupational Injuries and Illnesses with Days Away from Work, 2009**



SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

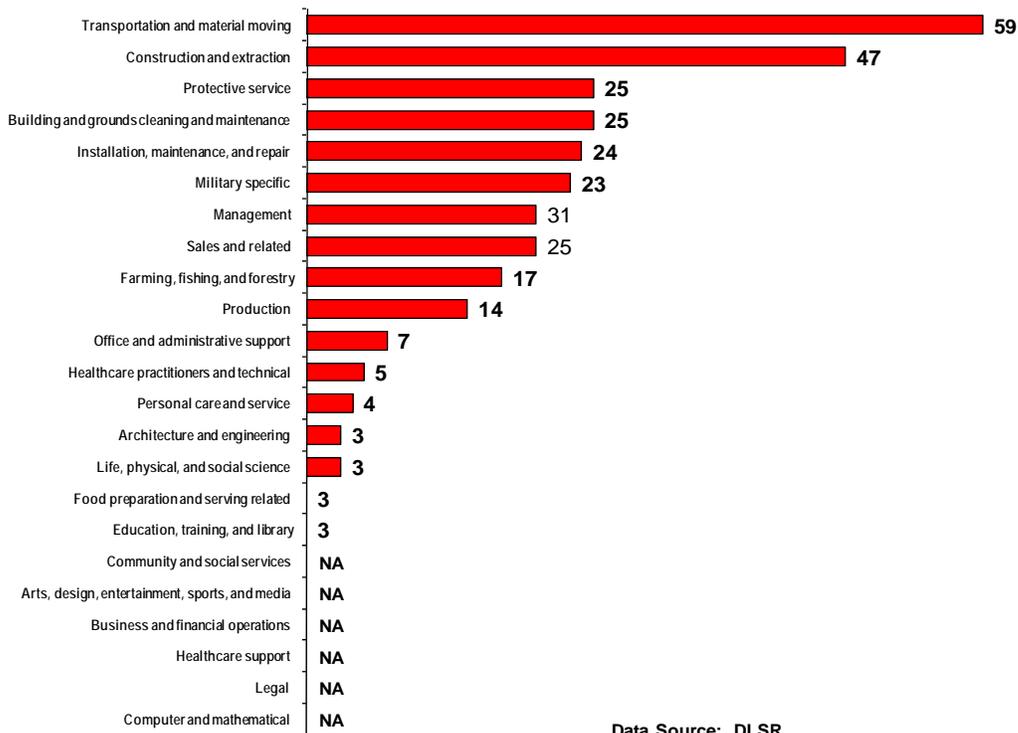
Back Injury Incidence Rates by Private Sector Occupational Group (per 100 full-time workers)
Non-Fatal Occupational Injuries and Illnesses with Days Away from Work, 2009



Data Source: BLS, U.S. Department of Labor,
 Survey of Occupational Injuries and Illnesses
 in cooperation with participating State agencies

The following chart compares the number of fatalities for various occupations. The transportation and material moving occupation had the greatest number of fatalities in 2009, followed by the construction and extraction occupation.

Fatal Occupational Injuries by Selected Occupations
All Ownerships, 2009

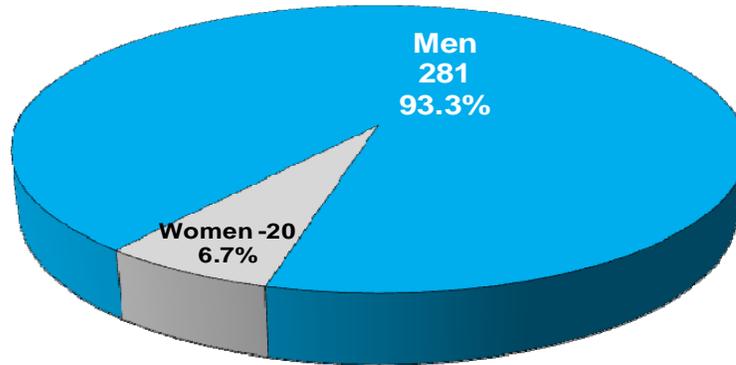


Data Source: DLSR

Characteristics of California Fatal Occupational Injuries and Illnesses

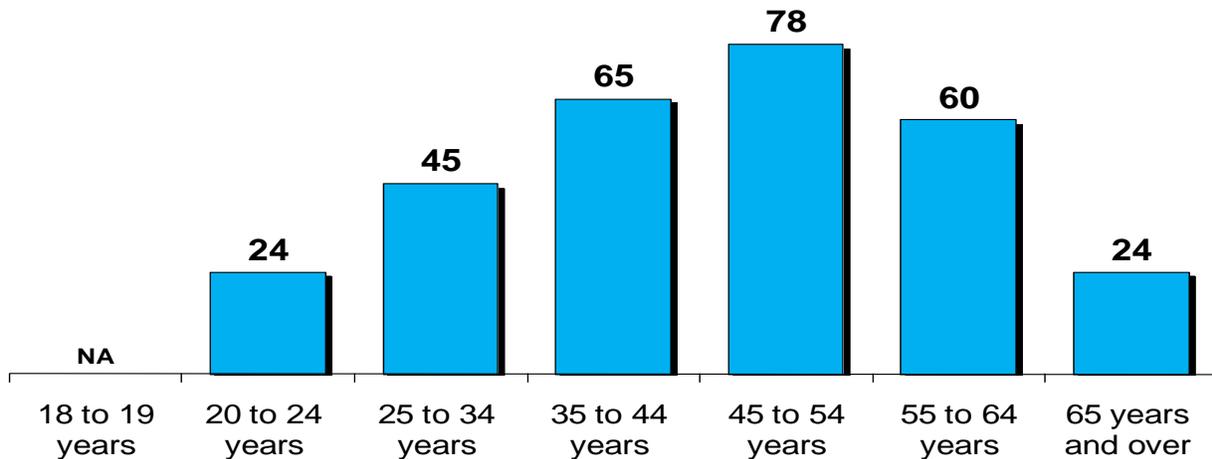
The following charts illustrate various characteristics of fatal occupational injuries and illnesses in California's private industry and federal, state and local governments.

California Fatal Occupational Injuries and Illnesses by Gender - 2009



Data Source: BLS

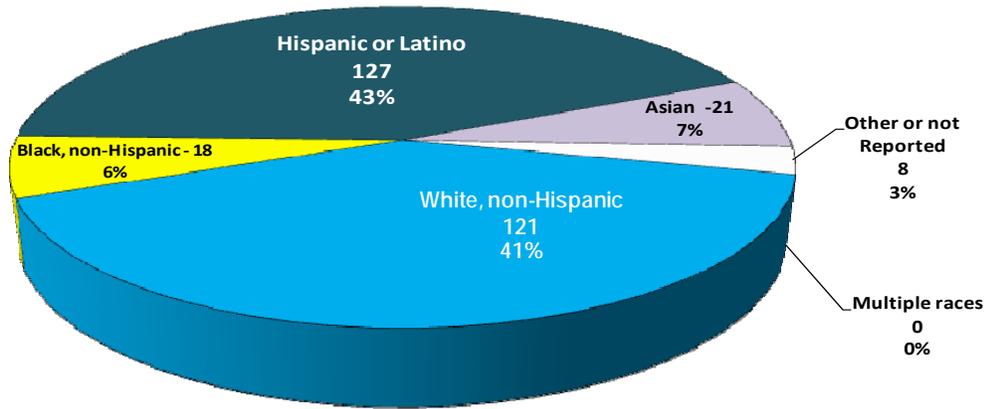
California Fatal Occupational Injuries and Illnesses by Age of Worker - 2009*



* Preliminary data

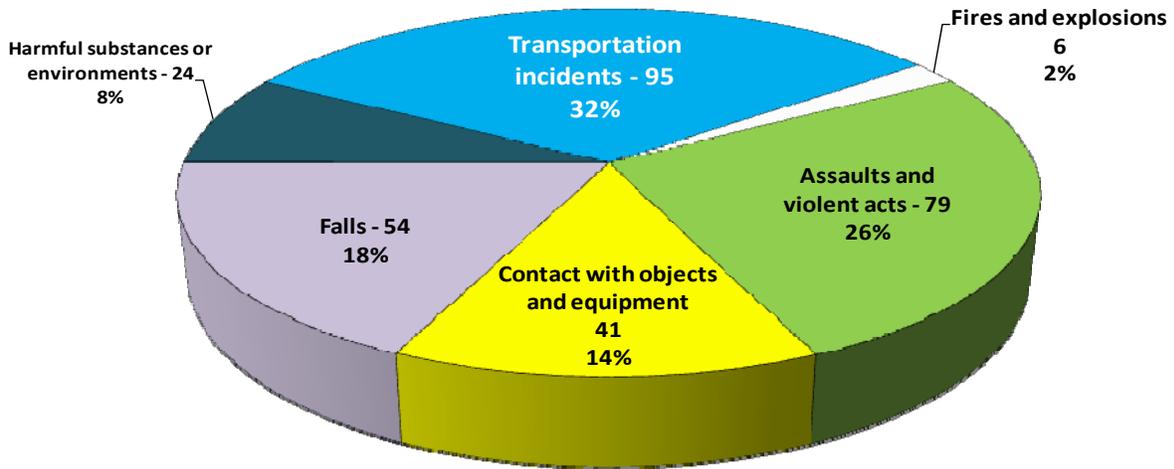
Source: BLS

California Fatal Occupational Injuries and Illnesses by Race and Ethnic Origin - 2009



Data Source: BLS

California Fatal Occupational Injuries and Illnesses by Event and Exposure - 2009



Data Source: BLS

Profile of Occupational Injury and Illness Statistics: California and the Nation

Data for the following analyses, except where noted, were derived from the Department of Industrial Relations (DIR) Division of Labor Statistics and Research (DLSR), from the U.S. Department of Labor (DOL) Bureau of Labor Statistics (BLS), and from the California Workers' Compensation Institute (CWCI).

Incidence Rates

- California's most recent work injury and illness statistics for 2009 indicate a non-fatal injury and illness rate of 3.7 cases per 100 full-time employees in the private sector in 2009. This is a 37.3 percent decline from the 1999 level of 5.9 and an estimated 5 percent decrease from the previous year's figures.
- The trend in California mirrors a national trend. DOL figures for private employers show that from 1999 to 2009, the work injury and illness rate across the U.S. fell from 6.3 to 3.6 cases per 100 employees in the private sector. The reduction in the number of incidences of job injuries is likely due to various factors including a greater emphasis on job safety and the shift from manufacturing toward service jobs.
- In contrast to the private sector rates, California's public sector decline has not been nearly as dramatic and the incidence rates are twice as high as in the private sector. California's state and local government rate for 2009 is 7.5 cases per 100 full-time employees. This is 13.8 percent decline from the 1999 level of 8.7 and almost a 30 percent increase over the state and local government national rate of 5.8. In addition, both the state and local government sectors have seen some increases in incidence rates over the past five years.
- The national fatality rate decreased by 17.8 percent between 1999 and 2008 from 4.5 to 3.7 cases per 100,000 employed while California's fatality rate decreased from 3.7 to 2.8 cases per 100,000 employed during the same period. This is a 24.3 percent decline from the 1999 level and a 7.7 percent increase from the previous year.
- From the Western region states, Alaska, Arizona, California, Hawaii, Nevada, Oregon and Washington, Arizona's and California's 2009 private industry rates of 3.5 and 3.7 respectively for non-fatal occupational injuries and illnesses were the lowest.¹⁶ The state that had the third-lowest incidence rate was Hawaii (4.0).

Duration

- Days-away-from-work cases, including those that result in days away from work with or without a job transfer or restriction, dropped from 1.8 to 1.0 case per 100 full-time employees from 1999 to 2009 in the private sector. This also mirrors the national trend with the number of days-away-from-work cases falling from 1.9 to 1.1 cases in the national private sector during the same period.
- California's and national overall days-away-from-work rate of 1.2 cases in 2009 was an estimated 8 percent and 5 percent lower than the previous year's figures respectively. Some of this overall decline, according to BLS, may be attributed to economic factors, including a decrease in employment and total hours worked, particularly in construction and manufacturing.

Industry Data

- In 2009, injury and illness incidence rates varied greatly between private industries ranging from 1.5 injuries/illnesses per 100 full-time workers in the finance and insurance industry to 5.4 in transportation and warehousing. California's private industry rates for total cases were higher than the national rates in every major industry division, except for manufacturing (3.4 and 4.3), agriculture, forestry, fishing and hunting (5.1 and 5.3), construction (4.0 and 4.3), health care and social assistance (5.3 and 5.4), and accommodation and food services (3.6 and 3.7).

¹⁶ The comparisons of industry rates have not been adjusted for industry mix within each state.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

- The private industry total case rate for non-fatal injuries decreased between 2008 and 2009 from 3.9 to 3.7, and the rate for the public sector (state and local government) decreased by 2.5 percent from 7.9 in 2008 to 7.5 in 2009.
- According to DLSR, the largest decrease in injury and illness by major industry category was in utilities, from 5.0 to 4.1 per 100 full-time worker injuries in 2008 and 2009 respectively, followed by a decrease in construction from 4.8 to 4.0 per 100 full-time worker injuries in 2008 and 2009, and by administrative and support and waste management and remediation services, from 3.8 to 3.3 per 100 full-time worker injuries in 2008 and 2009.¹⁷
- According to DLSR, the largest increase in injury and illness by industry sectors was in mining, from 1.7 to 2.5 per 100 full-time worker injuries in 2008 and 2009 respectively, followed by real estate and rental and leasing with an increase from 3.0 to 3.8 per 100 full-time worker injuries in 2008 and 2009, and management of companies and enterprises, from 2.7 to 3.3 in 2008 and 2009.¹⁸
- Over the past decade (1999-2009), the number of fatal injuries declined 51.2 percent, from 561 to 274.¹⁹ From 2008 to 2009, the number of fatal injuries decreased by 38.4 percent. The highest number of fatal injuries was in trade, transportation and utilities (78), followed by construction (50) and professional and business services (30).
- In private industry, the top ten occupations with the most non-fatal injuries and illnesses in 2009 are: laborers and freight, stock, and material movers, hand; truck drivers, light or delivery services; retail sales persons; janitors and cleaners, except maids and housekeeping cleaners; farm workers and laborers, crop, nursery, and greenhouse; registered nurses; maids and housekeeping cleaners; construction laborers; truck drivers, heavy and tractor-trailer; nursing aides, orderlies, and attendants.
- In California state government, the top ten occupations with the most non-fatal injuries and illnesses in 2009 are: psychiatric technicians; correctional officers and jailers; psychiatric aides; registered nurses; police and sheriff's patrol officers; janitors and cleaners, except maids and housekeeping cleaners; first-line supervisors/managers of correctional officers; nursing aides, orderlies, and attendants; first-line supervisors/managers of food preparation and serving workers; eligibility interviewers, government programs.
- In local government, the top ten occupations with the most non-fatal injuries and illnesses in 2009 are: police and sheriff's patrol officers; janitors and cleaners, except maids and house-keeping cleaners; fire fighters; elementary school teachers, except special education; teacher assistants; bus drivers, transit and intercity; correctional officers and jailers; landscaping and grounds keeping workers; cooks, institution and cafeteria; first-line supervisors/managers of police and detectives; first-line supervisors/managers of fire fighting and prevention workers.
- Transportation and material-moving occupations (59) and construction and extraction (47) accounted for 35.8 percent of the fatal injuries in 2009. Protective services (25), building and grounds cleaning and maintenance (25), installation, maintenance, and repair (24), military specific (23), management (31), sales and related (25), farming, fishing, and forestry (17), production (14) were the other occupations with the most number of fatal injuries in 2009. Transportation and material-moving incidents were the number one cause of fatal injuries accounting for about 20 percent of fatal injuries in 2009.
- Transportation incidents accounted for about 37.9 percent of fatal injuries in 2008 and are a major cause of fatalities among: transportation and material moving occupations (62); protective-service occupations (20); and farming, fishing, and forestry occupations (18).

¹⁷ DLSR, Table 1: Incidence rates of non-fatal occupational injuries and illnesses by selected industries and case types, 2008, 2009.

¹⁸ Ibid.

¹⁹ The number of fatalities excludes the number of fatalities for the Federal government.

Establishment Size and Type

- The lowest rate for the total recordable non-fatal cases in 2009 was experienced by the smallest employers. Employers with 1 to 10 employees and 11 to 49 employees had incidence rates of 1.7 and 3.5 cases, respectively, per 100 full-time employees. There was a 15 percent decrease in incidence rates for employers with 1 to 10 employees from 2008 to 2009. Employers with 11 to 49 employees experienced a 6 percent increase in incidence rates compared to 2008.
- Establishments with 250 to 999 and 1,000 and more employees reported the highest rates of 5.1 and 5.2 cases per 100 full-time employees, respectively, in 2009. Establishments with 50 to 249 experienced no change from 5.1 cases per 100 full-time employees from 2008 to 2009.

Types of Injuries

- Most types of work injuries have declined since 1998 in the private sector. The number of sprains and strains continued to decline from 1998; however, these injuries remain by far the most common type of work injury accounting for 38.4 percent of days-away-from-work cases in the private sector. Cuts, lacerations, bruises, contusions, heat burns, carpal tunnel syndrome, tendonitis, amputations, chemical burns, and multiple injuries have decreased from 1998 to 2009, with the biggest decreases of 74 percent seen in both carpal tunnel syndrome and tendonitis.
- In the private sector, contact with objects and equipment was the leading cause of days-away-from-work injuries, cited in about 26.1 percent of days-away-from-work cases. Overexertion was the second common cause of injury, accounting for about 21.6 percent of injuries.
- In California state government, the two main causes of injury were assaults and violent acts and contact with object, equipment accounting for about 21.4 and 12.3 percent of days-away-from-work cases, respectively, in 2009.
- In local government, the main causes of injury were overexertion and contact with object, equipment, accounting for 17 and 16.2 percent of days-away-from-work cases, respectively, in 2009.
- The most frequently injured body part is the back, accounting for about 14.6 percent of the cases in state government and about 20 percent cases in local government. In the private sector, back injuries account for 20.6 percent of non-fatal cases.

Demographics

- Over the period from 1999 to 2009 in the California private sector, the number of days-away-from-work cases for women decreased by 30.4 percent. Days-away-from-work cases for men decreased by 49.1 percent.
- Between 1999 and 2009, in private industry, all age groups experienced a decline. The biggest decline (62.2 percent) occurred among 16 to 19 year-old workers. The age group 35 to 44 experienced a 54.8 percent decline, and the age group 25 to 34 experienced a 50.8 percent decrease in the numbers of days away from work.
- In 2009, out of 301 fatalities (including the Federal government), approximately 93 percent were male and 7 percent were female. All age group categories experienced a decrease in fatal injuries between 2008 and 2009. The biggest decrease in the number of fatalities (42 percent) was seen in the 25 to 34 age group (from 77 to 45 cases), followed by a 39 percent decrease in the age group 35 to 44 (from 106 to 65 cases) and a 35 percent decrease in the age group 20 to 24 (from 37 to 24 cases) and the age group 45 to 54 (from 120 to 78) in the period of time from 2008 to 2009.
- The highest number of fatalities in 2009 by race or ethnic origin categories was experienced by "Hispanic or Latino" group followed by "White, non-Hispanic" group, accounting for 43 percent and 41 percent of the fatalities, respectively. From 2008 to 2009, there was a decrease in fatal injuries for all ethnic groups, except for "Other or Not Reported" with the highest decrease (51 percent) in

"Asian" group and 42 percent decrease in "Black or African American" group. There was a 167 percent increase in the number of fatalities (from 3 to 8) in "Other or Not Reported" group from 2008 to 2009.

Occupational Injury and Illness Reporting

Occupational injury and illness information is the responsibility of BLS within the U.S. and DOL and DLSR within the California DIR. Occupational injuries and illnesses are recorded and reported by California employers through several national surveys administered by DOL with the assistance of DIR.

OSHA Reporting and Recording Requirements

The U.S. Occupational Safety and Health Act (OSH Act) of 1970 requires covered employers to prepare and maintain records of occupational injuries and illnesses. It provides specific recording and reporting requirements that comprise the framework for the nationwide occupational safety and health recording system. The Occupational Safety and Health Administration (OSHA) in DOL administers the OSH Act recordkeeping system.

Although there are exemptions for some employers from keeping Cal/OSHA injury and illness records, all California employers must report injuries to DLSR. Every employer must also report any serious occupational injuries, illnesses or deaths to California OSHA within DIR.

The data assist employers, employees and compliance officers in analyzing the safety and health environment at the employer's establishment and are the source of information for the BLS *Annual Survey of Occupational Injuries and Illnesses* and the OSHA *Occupational Injury and Illness Survey*.

BLS Annual Survey of Occupational Injuries and Illnesses

To estimate the number of occupational injuries and illnesses in the U.S., BLS established a nationwide annual survey of employers' occupational injuries and illnesses. The state-level statistics on non-fatal and fatal occupational injuries and illnesses are derived from this survey.

Non-Fatal Injuries and Illnesses

The BLS *Annual Survey* develops frequency counts and incidence rates by industry and also profiles worker and case characteristics of non-fatal workplace injuries and illnesses that result in lost work time. Each year, BLS collects employer reports from about 173,800 randomly selected private industry establishments.

Fatal Injuries and Illnesses

The estimates of fatal injuries are compiled through the Census of Fatal Occupational Injuries (CFOI), which is part of the BLS occupational safety and health statistics program. CFOI uses diverse state and federal data sources to identify, verify and profile fatal work injuries.

OSHA Occupational Injury and Illness Survey

Federal OSHA administers the annual *Occupational Injury and Illness Survey*. OSHA utilizes this collection of employer-specific injury and illness data to improve its ability to identify and target agency interventions to those employers who have serious workplace problems. For this survey, OSHA collects data from 80,000 non-construction establishments and from up to 15,000 construction establishments.

Occupational Injury and Illness Prevention Efforts

Efforts to prevent occupational injury and illness in California take many forms, but all are derived from cooperative efforts between the public and private sectors. This section describes consultation and compliance programs, health and safety standards, and education and outreach designed to prevent injuries and illnesses to improve worker health and safety.

Cal/OSHA Program

The Cal/OSHA Program is responsible for enforcing California laws and regulations pertaining to workplace health and safety and for providing assistance to employers and workers about workplace safety and health issues.

The Cal/OSHA Enforcement Unit conducts inspections of California workplaces based on worker complaints, accident reports and high hazard industries. There are 22 Cal/OSHA Enforcement Unit district offices located throughout the State of California. Specialized enforcement units, such as the Mining and Tunneling Unit and the High Hazard Enforcement Unit, augment the efforts of district offices in protecting California workers from workplace hazards in high hazard industries.

Other specialized units, such as the Crane Certifier Accreditation Unit, the Asbestos Contractors' Registration Unit, the Asbestos Consultant and Site Surveillance Technician Unit and the Asbestos Trainers Approval Unit, are responsible for enforcing regulations pertaining to crane safety and prevention of asbestos exposure.

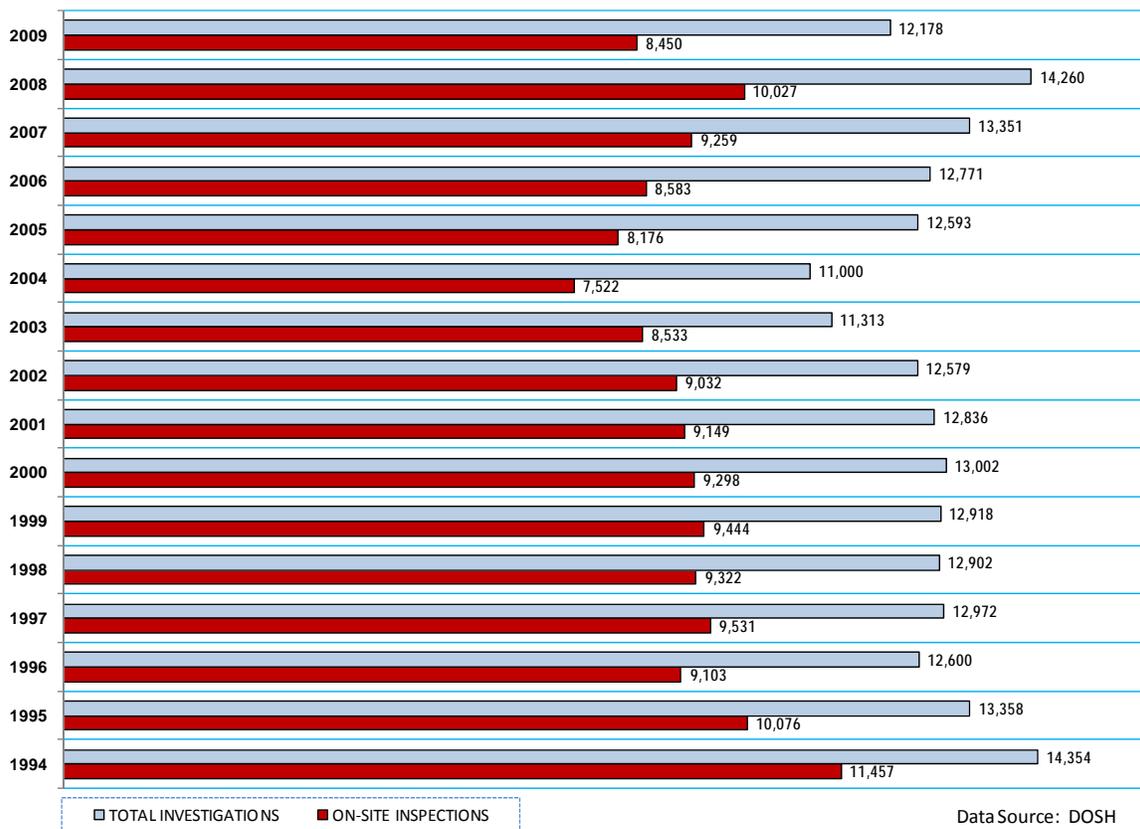
The Cal/OSHA Consultation Service provides assistance to employers and workers about workplace safety and health issues through on-site assistance, high hazard consultation, and other special emphasis programs. The Consultation Service also develops educational materials on workplace safety and health topics.

Profile of Division of Occupational Safety and Health (DOSH) On-Site Inspections and Violations Cited

The trends in types of inspections have varied in the past few years, with Accidents and Complaints being consistently predominant. However, starting in fiscal year (FY) 2006, Programmed Inspections started to reach higher levels as compared to Accidents and Complaints.

The following chart shows the total numbers of investigations and on-site inspections for the period from calendar year (CY) 1994 through 2009.²⁰ The total number of investigations decreased 14 percent and the number of on-site inspections decreased 26 percent from CY 1994 to 1996. During the next seven years, from 1996 to 2002, the number of investigations averaged 12,830, and the number of on-site inspections averaged 9,268. From 2002 to 2004, there was decrease in both the number of investigations (14 percent) and number of on-site inspections (20 percent). From 2004 to 2008, there was a 29.6 percent increase in investigations and 33 percent increase in the number of on-site inspections. There was a 17 percent decrease in investigations and almost 19 percent decrease in the number of on-site inspections from 2008 to 2009.

DOSH Total Investigations and On-Site Inspections

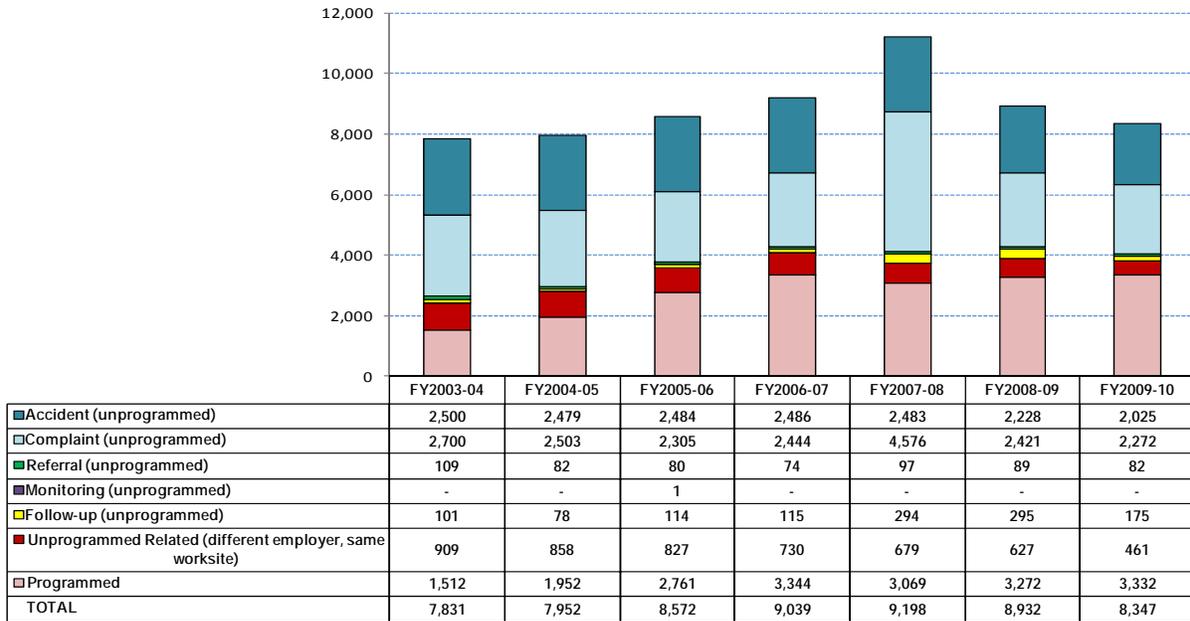


²⁰ The numbers of investigations, on-site inspections and violations for calendar years could differ from the fiscal year numbers provided later in this section.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The chart below shows that total Inspections had been increasing from 7,831 in FY 2004-05 to 9,198 in FY 2007-08, and then had decreased to 8,347 in FY 2009-10.

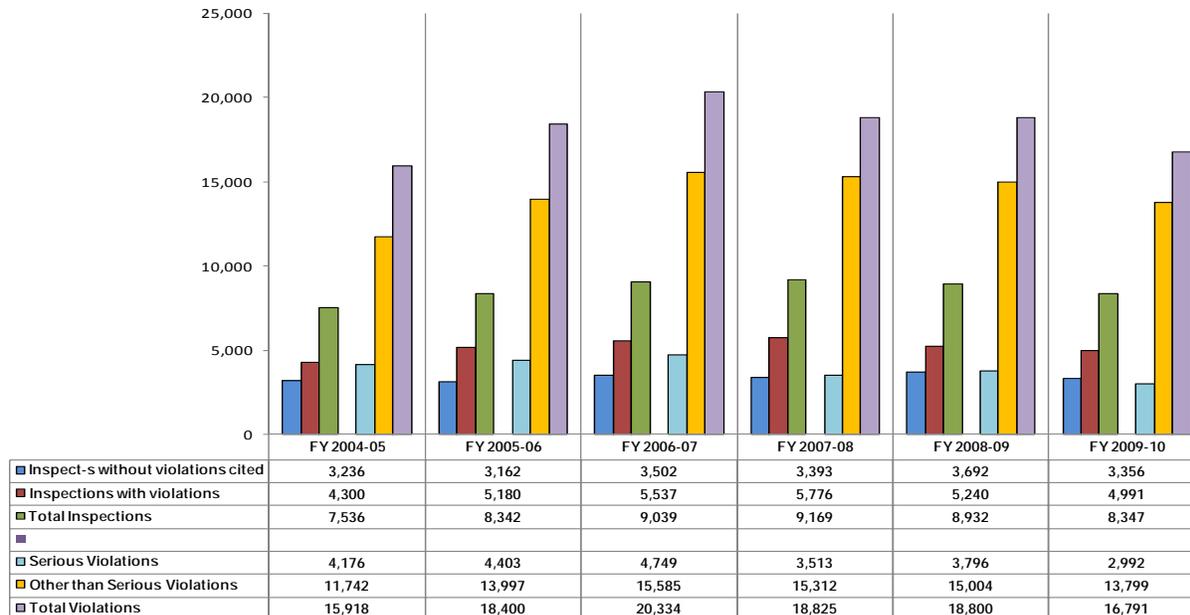
DOSH Inspections by Type FY 2003-04 to FY 2009-10



Source: DIR - Division of Occupational Safety and Health

The number of violations is greater than inspections due to the fact that most inspections where violations occur yield more than one violation. Violations are further broken down into serious and other-than-serious. In FY 2009-10, 60 percent of inspections resulted in violations cited. The breakdown by type is shown in the chart below.

DOSH Inspections and Violations Cited FY 2004-05 to FY 2009-10

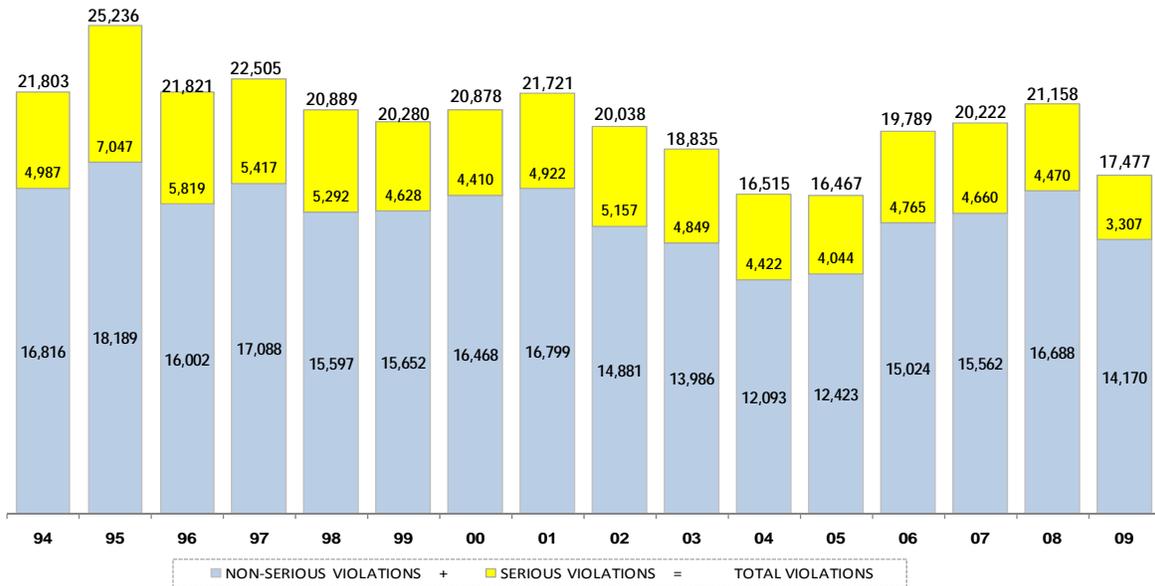


Data Source: DIR - Division of Occupational Safety and Health

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The following chart shows the total numbers of violations, including the number of serious DOSH violations from CY 1994 to CY 2009. The total number of violations increased by 16 percent from 1994 to 1995. After decreasing by 13.5 percent from 1995 to 1996, the total number of DOSH violations averaged 21,350 per year from 1996 to 2001. From 2001 to 2005, there was a 24 percent decrease in the total number of DOSH violations, and from 2005 to 2008, the total number of violations increased again by 28.5 percent. From 2008 to 2009, there was a 17 percent decrease in the total number of DOSH violations

**DOSH Violations
1994 - 2009**



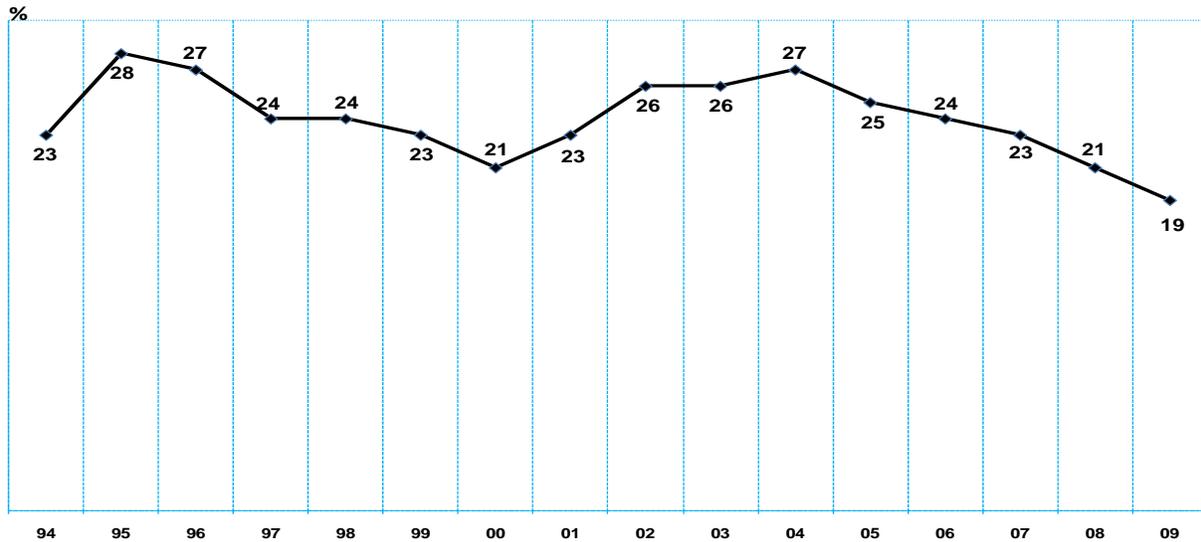
Data Source: DOSH

As the chart above shows, the number of serious violations increased by 41 percent from 1994 to 1995. From 1995 to 2000, the number of serious violations decreased by 37.4 percent, increased by 17 percent from 2000 to 2002, and then again decreased by 21.6 percent from 2002 to 2005. After increasing by 18 percent from 2005 to 2006, the number of serious DOSH violations decreased by almost 31 percent from 2006 to 2009.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The chart below shows the trend in the share of serious DOSH violations in the total number of all violations from 1994 to 2009. The share of serious DOSH violations increased from 23 percent in 1994 to its peak of 28 percent of total violations in 1995, and decreased to 21 percent in 2000. From 2000 to 2004, the share of serious violations increased to 27 percent of total DOSH violations and then decreased to 19 percent from 2004 to 2009.

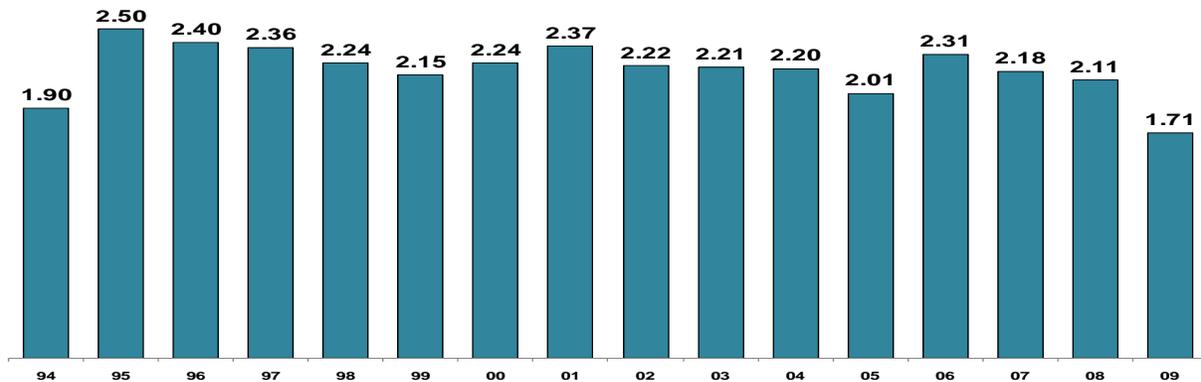
**Percent of Serious Violations in Total DOSH Violations
1994 - 2009**



Data Source: DOSH

The average number of DOSH violations per inspection averaged 1.91 in 1993 and 1994. The increase of 31.6 percent in average number of violations per inspection from 1994 to 1995 followed with 14 percent decrease from 1995 to 1999. During the next six years, from 1999 to 2004, the average number of violations per inspection averaged 2.2 and then decreased by 8.6 percent from 2004 to 2005. After an increase of 15 percent from 2005 to 2006, the average number of violations per inspection decreased again by about 26 percent from 2006 to 2009.

**Average Number of DOSH Violations per Inspection
1994 - 2009**



Data Source: DOSH

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Twenty-Five Most Frequently Cited Title 8 California Code of Regulations (CCR) Standards in 2009

Standard	Description	Total Violations	Serious Violations	Percent Serious
3203	Injury and Illness Prevention Program	1,845	72	3.9
3395	Heat Illness Prevention	1,162	115	9.9
1509	Construction Injury Prevention Program	835	10	1.2
5194	Hazard Communication	660	8	12.2
6151	Portable Fire Extinguishers	523	4	0.8
3314	Clean, Repair, Service and Adjust Prime Movers, Machinery and Equipment	502	147	29.3
342	Reporting Work Fatality or Serious Injury	434	1	0.2
5144	Respiratory Protection Equipment	434	10	2.3
461	Permits to Operate Air Tanks	406	3	0.7
2340.16	Work Space About Electrical Equipment	366	5	1.4
3457	Field Sanitation	296	10	3.4
5162	Emergency Eyewash	294	106	36.0
4650	Compressed Gas and Air Cylinders:	280	40	14.3
1512	Construction: Emergency Medical Services	205	1	0.5
5189	Process Safety Management of Acutely Hazardous Substance	202	48	23.8
3668	Powered Industrial Truck Operator Training	200	9	4.5
2500.08	Flexible Electrical Cords and Cables: Uses Not Permitted	199	2	1.0
3328	Safe Practices, Personal Protection: Machinery and Equipment	177	58	32.8
2340.12	Installation and Maintenance of Electrical Equipment	170	53	31.2
1675	Ladders	161	61	37.9
3577	Use, Care , and Protection of Abrasive Wheels: Protection Devices	161	48	29.8
1644	Metal Scaffolds	156	89	57.0
4070	Belt and Pulley Drive, Guarding	156	123	78.8
2340.17	Guarding of Energized Parts in Electrical Installations	153	53	34.6
2340.22	Equipment Identification in Electrical Installations	152	19	12.5

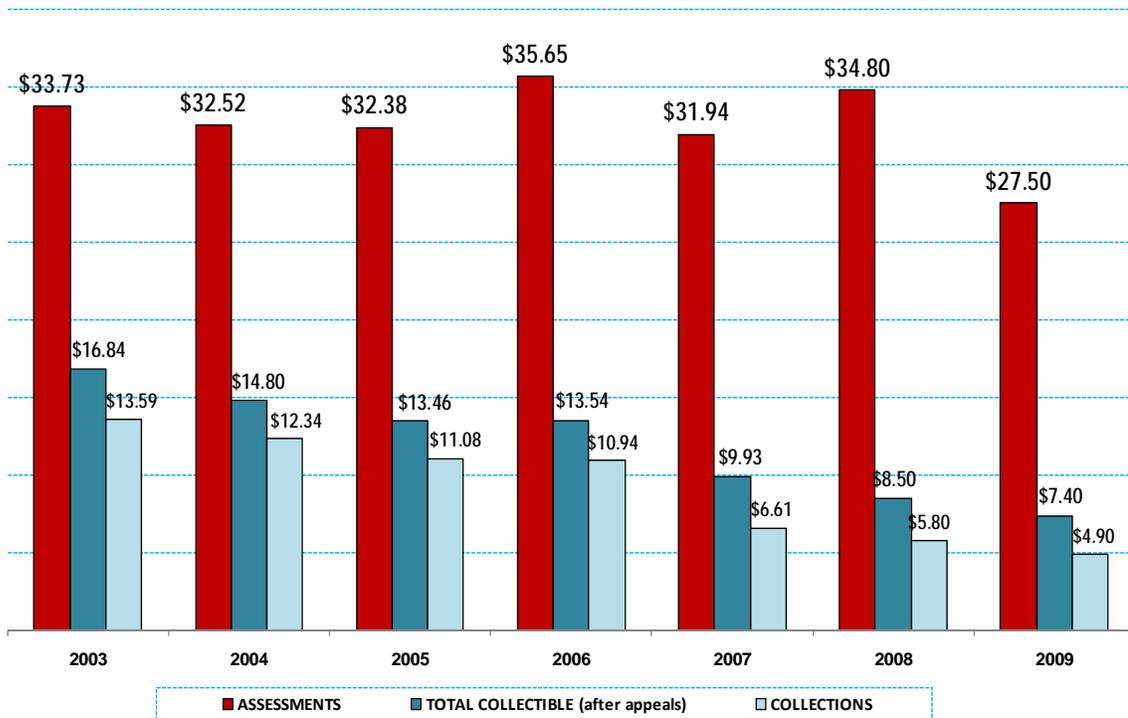
Data Source: DIR-DOSH

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The chart below demonstrates the trends in penalties and collections. Total Penalties Assessed were \$27.5 million in 2009. Many employers appeal those “recommended” penalties at the Cal/OSHA Appeals Board, and they may be ordered to pay in full, pay a reduced amount, or have the penalties eliminated due to procedural issues. Because of the appeals process, Penalties Collected will almost always be less than the initial recommended Penalties Assessed. Total Collections were \$4.9 million in FY 2009.

Although the chart below demonstrates the trends in penalties and collections, it cannot be viewed entirely as an indicator of progress in health and safety at places of employment, due to related impacts on the data from DOSH staffing changes and resource changes from year to year, as well as activities at the Appeals Board. Nevertheless, the data do give a sense of the general magnitude and accounting of penalties and collections, as well as provide a starting point for further analysis.

**Total DOSH Penalties Assessed and Collected (Million \$)
2003-2009**

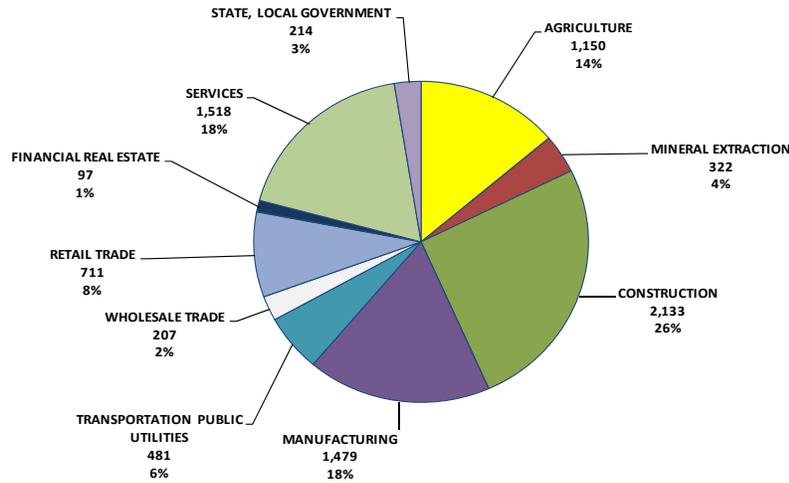


Data Source: DOSH

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The chart below illustrates the proportion of inspections in major industrial groups. Of the 8,312 workplace health and safety inspections conducted in FY 2009-10, 2,133 (26 percent) were in construction and 6,179 (74 percent) were in non-construction.

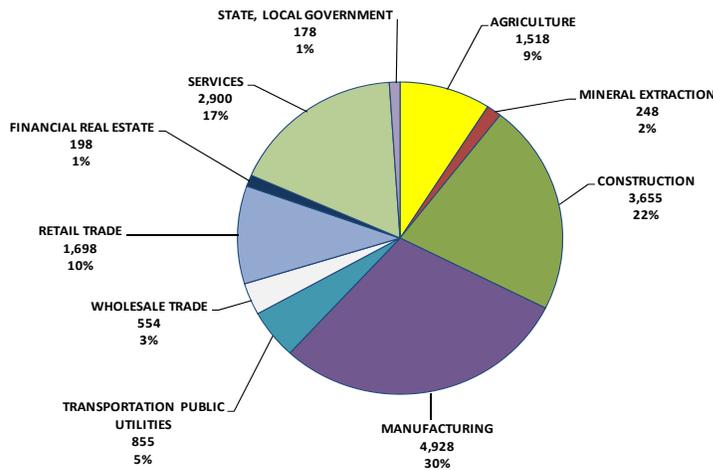
**Distribution of Inspections by Major Industry, State FY 2009-10
(Total Inspections=8,312)**



Data Source: DOSH

Despite the fact that the greatest percentage of inspections were in construction, the greatest percentage (30 percent) of violations were found to be in manufacturing, as shown in the chart below.

**Distribution of Violations by Major Industry, State FY 2009-10
(Total Violations=16,732)**



Data Source: DOSH

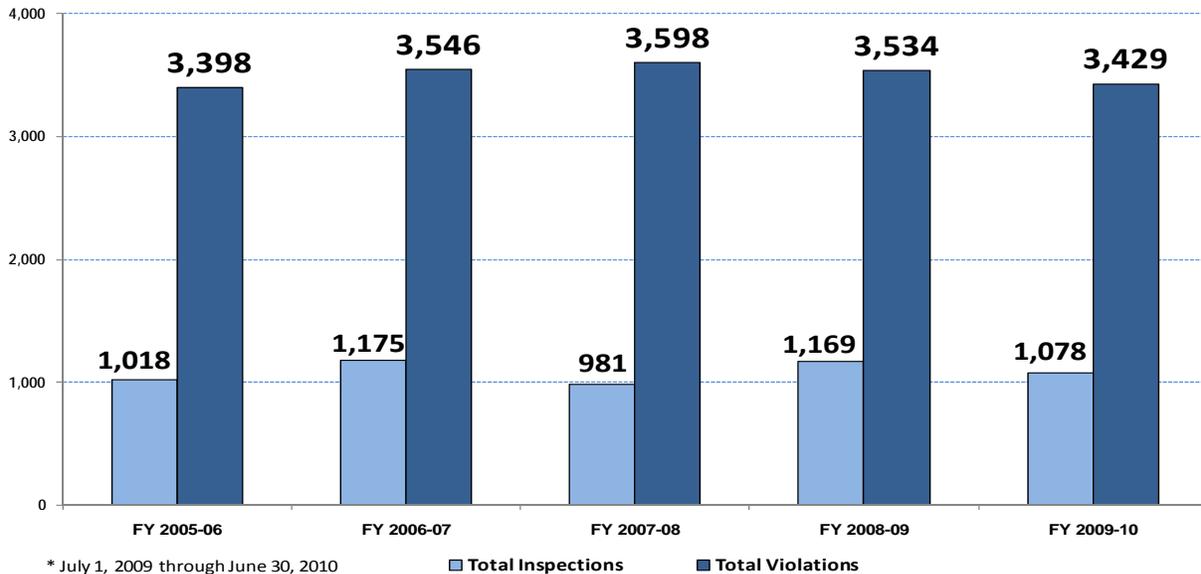
Economic and Employment Enforcement Coalition²¹

According to the DIR website, "For decades California has had some of the strongest labor and workforce safety laws in the country." To help enforce these labor laws and regulations, the "Triple E.C." Coalition, the Economic and Employment Enforcement Coalition (EEEC), was created in 2005 as a multi-agency enforcement program consisting of investigators from the Division of Labor Standards Enforcement (DLSE), DOSH, Employment Development Department (EDD), Contractors State License Board, and U.S. DOL. The primary emphasis of EEEC is to combine enforcement efforts. EEEC is a partnership of state and federal agencies, each expert in its own field, collaborating to:

- Educate business owners and employees on federal and state labor, employment and licensing laws.
- Conduct vigorous and targeted enforcement against labor law violators.
- Help level the playing field and restore the competitive advantage to law-abiding businesses and their employees.²²

Total EEEC inspections fluctuated during the period from FY 2005-06 to FY 2009-10 with an overall increase of 6 percent during that period, from 1,018 to 1,078, respectively, and violations increased by about 6 percent from FY 2005-06 to FY 2007-08 and decreased by about 5 percent from FY 2007-08 to FY 2009-10. The penalties assessed were \$1.6 million in FY 2009-10 or at the same level as penalties in FY 2005-06; however, only \$0.2 million (12.6 percent) were collected in FY 2009-10 as compared to \$0.8 million (50 percent) in FY 2005-06. The following two charts illustrate the comparisons.²³

**Total Numbers of EEEC Inspections and DOSH Violations
(FY 2005-06 - FY 2009-10*)**



Data Source: DOSH

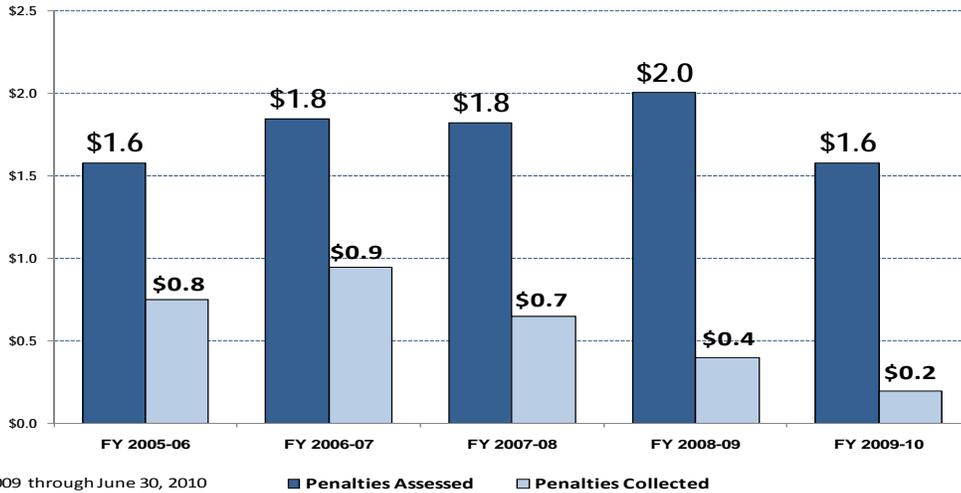
²¹ For further information about the EEEC, visit any of these agency links:

<http://www.dir.ca.gov/EEEC/EEEC.html>, or <http://www.edd.ca.gov/eddeec.htm>, or <http://www.labor.ca.gov/eeec.htm>

²² <http://www.dir.ca.gov/EEEC/EEEC.html>

²³ Data provided by DOSH. These totals reflect only DOSH citations and penalties; other types of Labor Code citations and penalties resulting from the enforcement action are independently accounted for by the respected agency or unit.

**Total EEEC Penalties Assessed And Collected for DOSH Citations
(FY 2005-06 - FY 2009-10*)
(Million \$)**



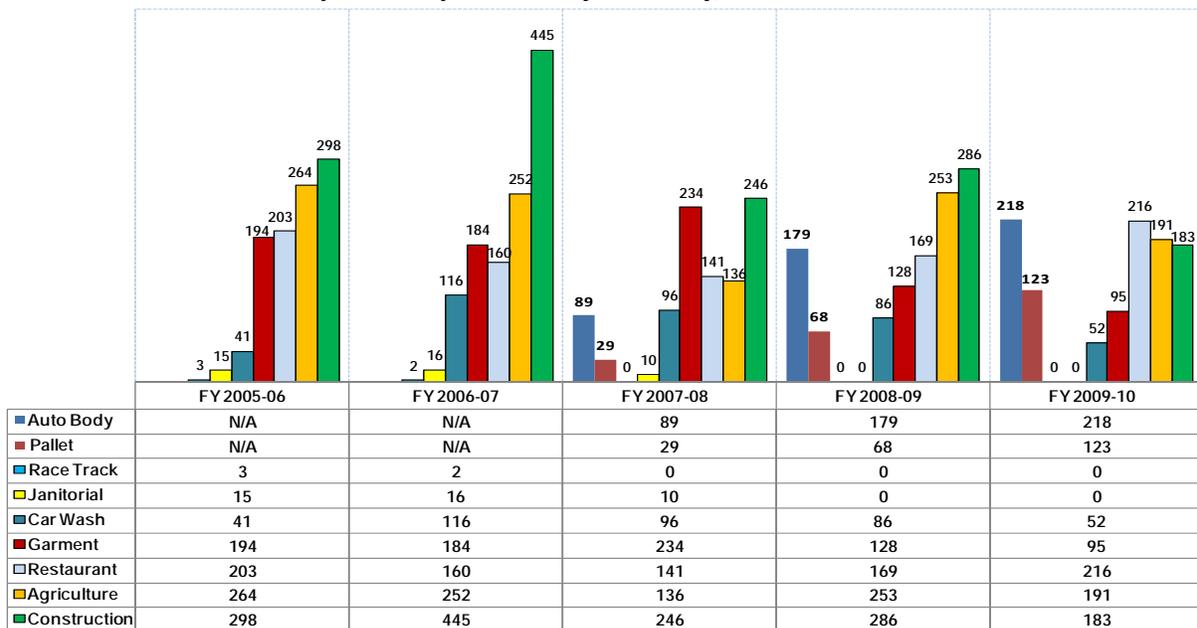
* July 1, 2009 through June 30, 2010

■ Penalties Assessed □ Penalties Collected

Data Source: DOSH

The four charts below describe EEEC inspections and violations by industry, along with the penalties assessed and collected. Construction had led in the number of inspections from FY 2005-06, except for FY 2008-09, when inspections in the restaurant industry reached 216. Agriculture, restaurant, and garment were the other industries with the most number of inspections since FY 2005-06. The auto body, restaurant, pallet, and construction industries had the greatest number of violations in FY 2009-10. However, car was and garment industries' violations decreased by 56 percent and 34 percent respectively from FY 2008-09 to FY 2009-10, while the pallet and restaurant industries' violations increased by 160 percent and 34 percent respectively during the same period. Auto body and pallet industries are leading in penalties assessed for the FY 2009-10.

EEEC Report: Inspections by Industry, FY 2005-06 - FY 2009-10 *

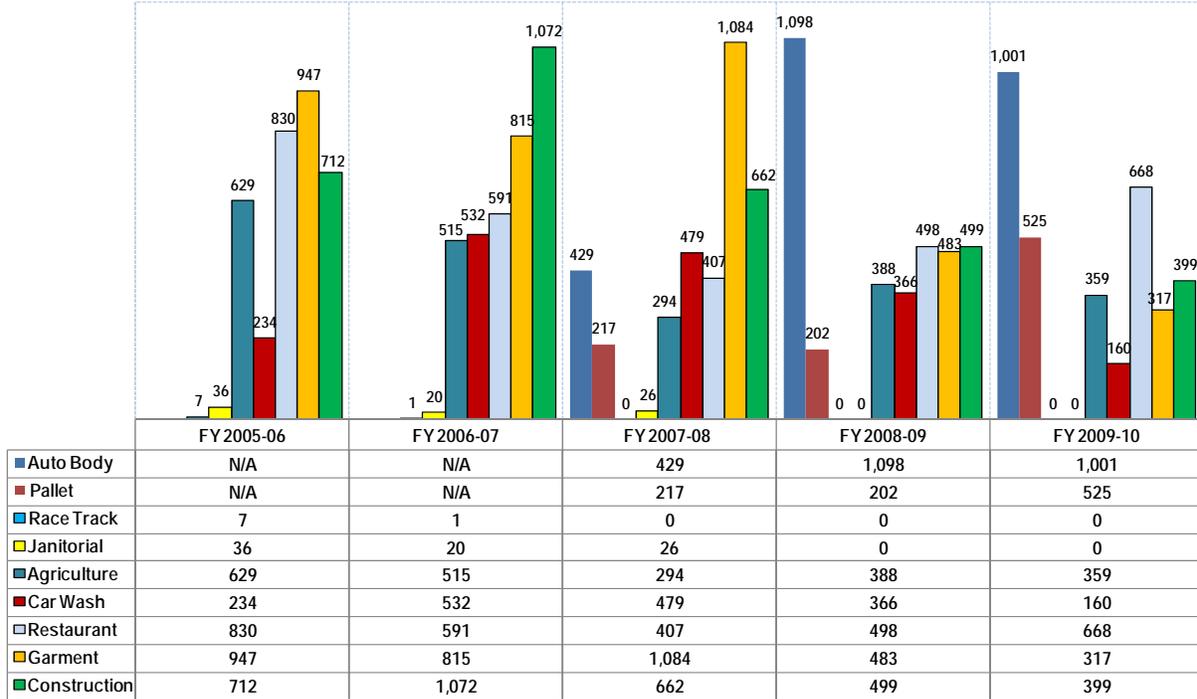


* July 1, 2009 through June 30, 2010

Data Source: DIR - DOSH

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

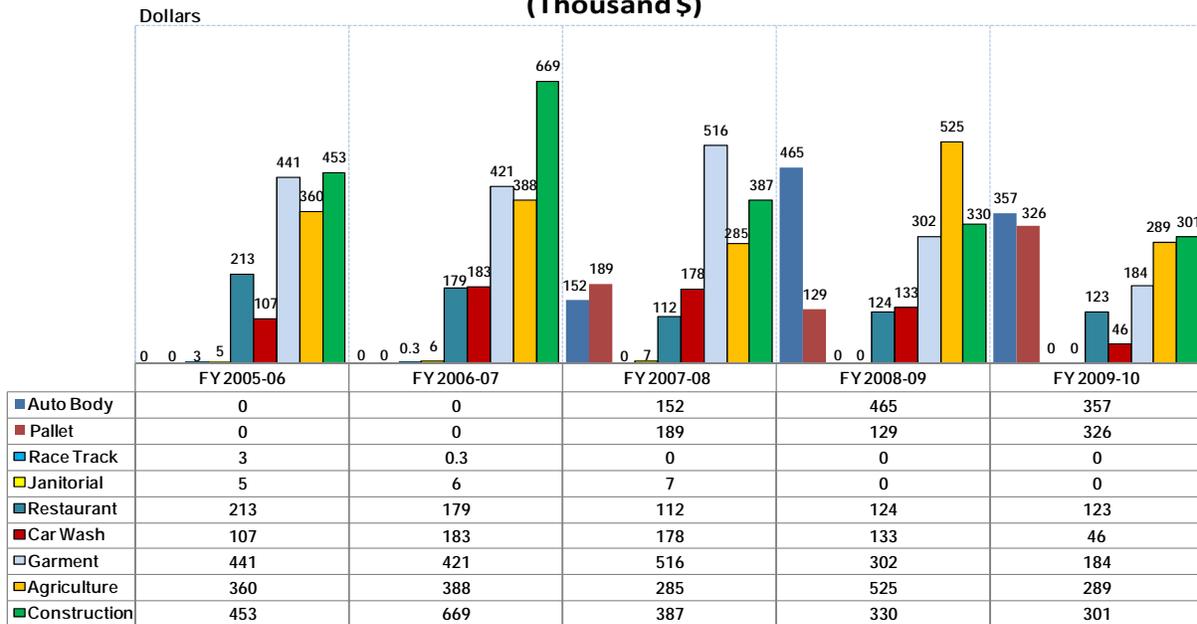
EEEC Report: Violations by Industry, FY 2005-06 - FY 2009-10*



* July 1, 2009 through June 30, 2010

Data Source: DIR - DOSH

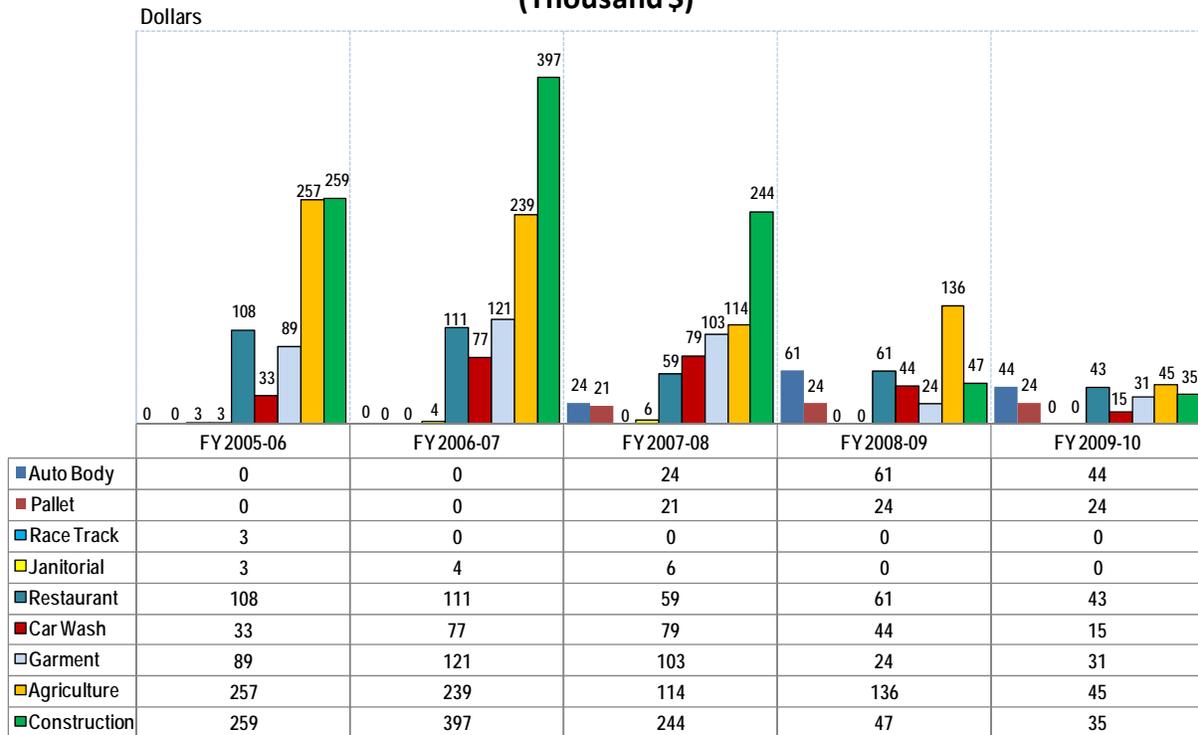
**EEEC Report: Penalties Assessed for DOSH Citations
FY 2005-06 - FY 2009-10***
(Thousand \$)



* July 1, 2009 through June 30, 2010

Data Source: DIR - DOSH

**EEEC Report: Penalties Collected for DOSH Citations
FY 2005-06 - FY 2009-10*
(Thousand \$)**



* July 1, 2009 through June 30, 2010

Data Source: DIR - DOSH

High Hazard Identification, Consultation and Compliance Programs

The 1993 reforms of the California workers' compensation system required Cal/OSHA to focus its consultative and compliance resources on "employers in high hazardous industries with the highest incidence of preventable occupational injuries and illnesses and workers' compensation losses."

High Hazard Employer Program

The High Hazard Employer Program (HHEP) is designed to:

- Identify employers in hazardous industries with the highest incidence of preventable occupational injuries and illnesses and workers' compensation losses.
- Offer and provide consultative assistance to those employers to eliminate preventable injuries and illnesses and workers' compensation losses.
- Inspect those employers on a random basis to verify that they have made appropriate changes in their health and safety programs.
- Develop appropriate educational materials and model programs to aid employers in maintaining a safe and healthful workplace.

In 1999, the passage of Assembly Bill (AB) 1655 gave DIR the statutory authority to levy and collect assessments from employers to support the targeted inspection and consultation programs on an ongoing annual basis.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

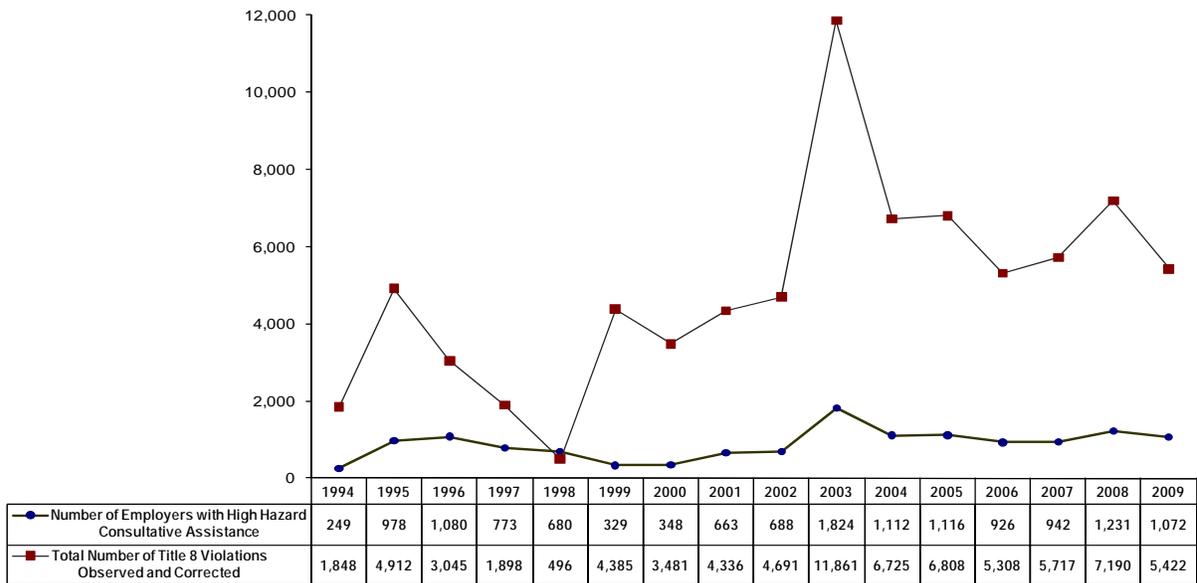
High Hazard Consultation Program

DOSH reports that in 2009, it provided on-site high hazard consultative assistance to 1,072 employers, as compared to 1,231 employers in 2008. During consultation with these employers, 5,422 Title 8 violations were observed and corrected as a result of the provision of consultative assistance.

Since 1994, 14,011 employers have been provided direct on-site consultative assistance, and 78,123 Title 8 violations have been observed and corrected. Of these violations, 36.2 percent or 27,045 were classified as "serious."

The following chart indicates the yearly number of consultations and violations observed and corrected during the years 1994-2009. It should be noted that for years 2002 and 2003, all Consultative Safety and Health Inspection Projects (SHIPs) were included in the High Hazard Consultation Program figures. Effective 2004, only SHIPs with experience modification (Ex-mod) rates of 125 percent and above are included in the High Hazard Consultation Program figures.

High Hazard Consultation Program Production by Year



Data Source: Division of Occupational Safety and Health

The efficacy of High Hazard Consultation is measured by comparisons of employer lost-and-restricted-workday data. Beginning in 2001, Log 200 was replaced with Log 300 as the source for lost-and-restricted-workday data. The use of the Lost Work Day Case Incidence (LWDI) rate was transitioned and replaced with the Days Away, Restricted, or Transferred (DART) rate. Additionally, High Hazard Consultation uses Ex-mod rates to measure efficacy.

High Hazard Enforcement Program

DOSH reports that in 2009, 490 employers underwent a targeted high hazard enforcement inspection, up from 427 employers in 2008. During these inspections in 2009, 2,462 violations were observed and cited, whereas in 2008, 2,328 violations were observed and cited.

In addition, in 2009, 935 employers underwent an inspection as part of the Agricultural Safety and Health Inspection Project (ASHIP). Of these, 48 inspections were also targeted. During these inspections, 1,189 violations were observed and cited.

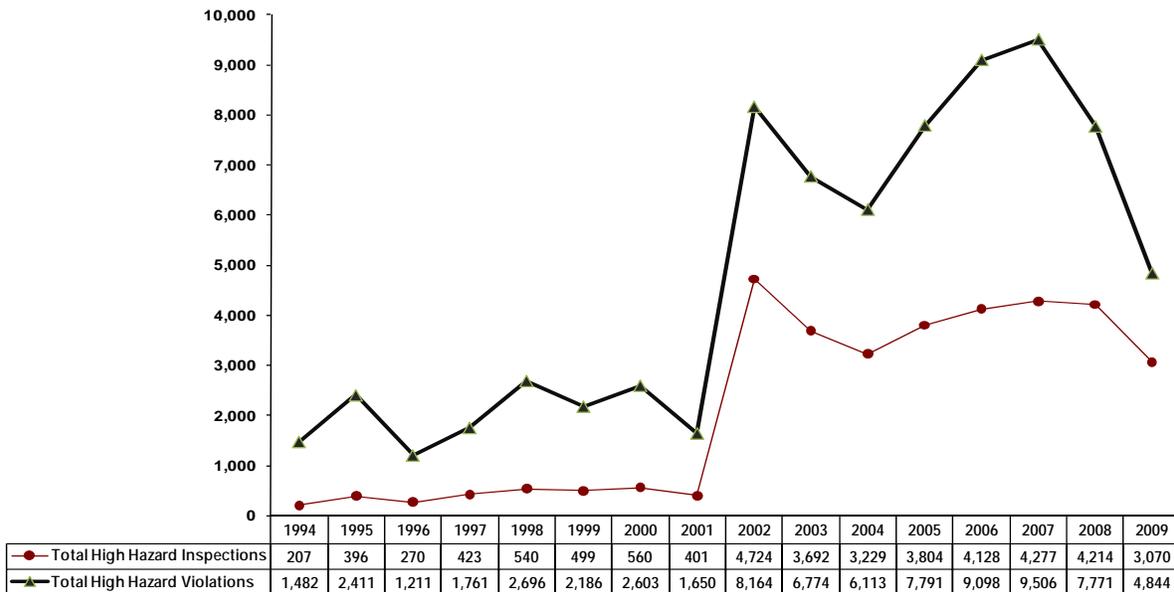
SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

In addition, in 2009, 2,135 employers underwent an inspection as part of the Construction Safety and Health Inspection Project (CSHIP). Of these, 17 inspections were also targeted. During these inspections, 3,655 violations were observed and cited.

Since 1994, 34,944 employers have undergone a high hazard enforcement inspection, and 76,705 Title 8 violations have been observed and cited. Of these violations, 32.9 percent were classified as "serious."

The chart below indicates the yearly number of targeted inspections and violations observed and cited during the years 1994-2009. It should be noted that effective 2002, the Safety and Health Inspection Projects (SHIPs) are included in the High Hazard Enforcement Program figures.

High Hazard Enforcement Program Inspections and Violations



Data Source: Division of Occupational Safety and Health

The same lost-and-restricted-workday methodology is used for both the High Hazard Consultation and Enforcement programs. Efficacy is measured by comparisons of employer lost-and-restricted-workday data.

Beginning in 2001, Log 200 was replaced with Log 300 as the source for lost-and-restricted-workday data. The use of the LWDI rate was transitioned and replaced with the DART rate.

Safety Inspections

DOSH has two major units devoted to conducting inspections to protect the public from safety hazards:

- The Elevator, Ride and Tramway Unit conducts public safety inspections of elevators, amusement rides, both portable and permanent, and aerial passenger tramways or ski lifts.
- The Pressure Vessel Unit conducts public safety inspections of boilers (pressure vessels used to generate steam pressure by the application of heat, air and liquid storage tanks), and other types of pressure vessels.

Health and Safety Standards

The Occupational Safety and Health Standards Board (OSHSB), a seven-member body appointed by the Governor, is the standards-setting agency within the Cal/OSHA program. The mission of OSHSB is to promote, adopt and maintain reasonable and enforceable standards that will ensure a safe and healthy workplace for California workers.

To meet the DIR Goal 1 on ensuring that California workplaces are lawful and safe, the Board shall pursue the following goals:

- Adopt and maintain effective occupational safety and health standards.
- Evaluate petitions to determine the need for new or revised occupational safety and health standards.
- Evaluate permanent variance applications from occupational safety and health standards to determine if equivalent safety will be provided.

OSHSB also has the responsibility to grant or deny applications for variances from adopted standards and respond to petitions for new or revised standards. The OSHSB safety and health standards provide the basis for Cal/OSHA enforcement.

For further information ...

www.dir.ca.gov/OSHSB/oshsb.html

Ergonomics Standards

Efforts to adopt an ergonomics standard in California and the U.S. are outlined in the following state and federal histories.

Ergonomics Standard in California: A Brief History

July 16, 1993

Governor Pete Wilson signs a package of bills that enacts major reform of California's workers' compensation system. A provision in AB 110 (Peace) added Section 6357 to the Labor Code requiring the Occupational Safety and Health Standards Board (OSHSB) to adopt workplace ergonomics standards by January 1, 1995, in order to minimize repetitive motion injuries.

January 18 and 23, 1996

OSHSB holds public hearings on the proposed ergonomics standard and receives over 900 comments from 203 commentators. The proposed standards are revised.

July 15, 1996

OSHSB provides a 15-day public comment period on revisions to proposed standards.

September 19, 1996

OSHSB discusses the proposal at its business meeting and makes further revisions.

October 2, 1996

OSHSB provides a 15-day public comment period on the further revisions.

November 14, 1996

OSHSB adopts the proposal at its business meeting and submits it to the state Office of Administrative Law (OAL) for review and approval.

January 2, 1997

OAL disapproves the proposed regulations based on clarity issues.

February 25, 1997

OSHSB provides a 15-day public comment period on new revisions addressing OAL concerns.

April 17, 1997

OSHSB adopts the new revisions and resubmits the proposal to OAL.

June 3, 1997

Proposed ergonomics standard is approved by OAL and becomes Title 8, California Code Regulations (8 CCR), Section (§) 5110, Repetitive Motion Injuries.

July 3, 1997

The ergonomics standard – 8 CCR §5110 - becomes effective.

September 5, 1997

Sacramento Superior Court holds a hearing to resolve the legal disputes filed by labor and business industries.

October 15, 1997

Judge James T. Ford of the Sacramento Superior Court issued a Peremptory Writ of Mandate, Judgment, and Minute Order relative to challenges brought before the Court. The Order invalidated the four parts of the standard.

December 12, 1997

OSHSB appealed Judge Ford's Order with its legal position that the Judge's Order would be stayed pending a decision by the Court of Appeal.

(Continued on following page)

Source: OSHSB

Federal Ergonomics Standard: A Brief History

1990

Former United States Secretary of Labor Elizabeth Dole pledges to "take the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis."

July 1991

OSHA publishes "Ergonomics: The Study of Work." More than 30 organizations petition Secretary of Labor to issue an Emergency Temporary Standard.

April 1992

Secretary of Labor denies petition for Emergency Temporary Standard.

August 1992

OSHA publishes an Advance Notice of Proposed Rulemaking on ergonomics.

1993

OSHA conducts survey to obtain information on the extent of ergonomics programs.

March 1995

OSHA begins meeting with stakeholders to discuss approaches to drafting an ergonomics standard.

January 1997

OSHA/NIOSH conference on successful ergonomics programs.

February 1998

OSHA begins meetings with national stakeholders about the draft ergonomics standard under development.

February 1999

OSHA begins small business review (SBREFA) of its draft and makes draft regulatory text available to the public.

April 1999

OSHA receives SBREFA report on draft and begins to address the concerns raised in the report.

November 23, 1999

OSHA publishes proposed ergonomics program standard by filing in the Federal Register (64 FR 65768). OSHA asks for written comments from the public, including materials such as studies and journal articles and notices of intention to appear at informal public hearings.

March-May 2000

Informal public hearings held in Washington D.C. (March 13 - April 7, May 8-12), Chicago (April 11-21) and Portland (April 24 - May 5).

May 24, 2000

The House Appropriations Committee votes to amend \$342 billion spending bill by barring the Occupational Safety and Health Administration from using their budget to promulgate, issue, implement, administer or enforce any ergonomics standard. President Clinton responds by threatening to veto the bill.

Source: OSHSB

(Continued on following page)

Federal Ergonomics Standard: A Brief History (continued)

November 14, 2000

OSHA issues Ergonomics Program Standard.

January 16, 2001

Final Ergonomics Program Standard - 29 CFR 1910.900 - becomes effective. The standard was challenged in court with over 30 lawsuits.

March 20, 2001

President George W. Bush signs into law S.J. Res. 6, a measure that repeals the ergonomic regulation. This is the first time the Congressional Review Act has been put to use. The Congressional Review Act allows Congress to review every new federal regulation issued by the government agencies and, by passage of a joint resolution, overrule a regulation.

April 23, 2001

Federal OSHA publishes a notice in the Federal Register stating that the former 29 CFR 1910.900 was repealed as of that date.

April 26, 2001

Secretary of Labor Elaine L. Chao testifies before the Subcommittee on Labor, Health and Human Services, and Education of the Senate Appropriations Committee, about reducing musculoskeletal disorders in the workplace.

April 5, 2002

The Occupational Safety and Health Administration unveils a comprehensive plan designed to reduce ergonomic injuries through "a combination of industry-targeted guidelines, tough enforcement measures, workplace outreach, advanced research, and dedicated efforts to protect Hispanic and other immigrant workers."

Source: OSHSB

Occupational Health and Safety Appeals Board (OSHAB)

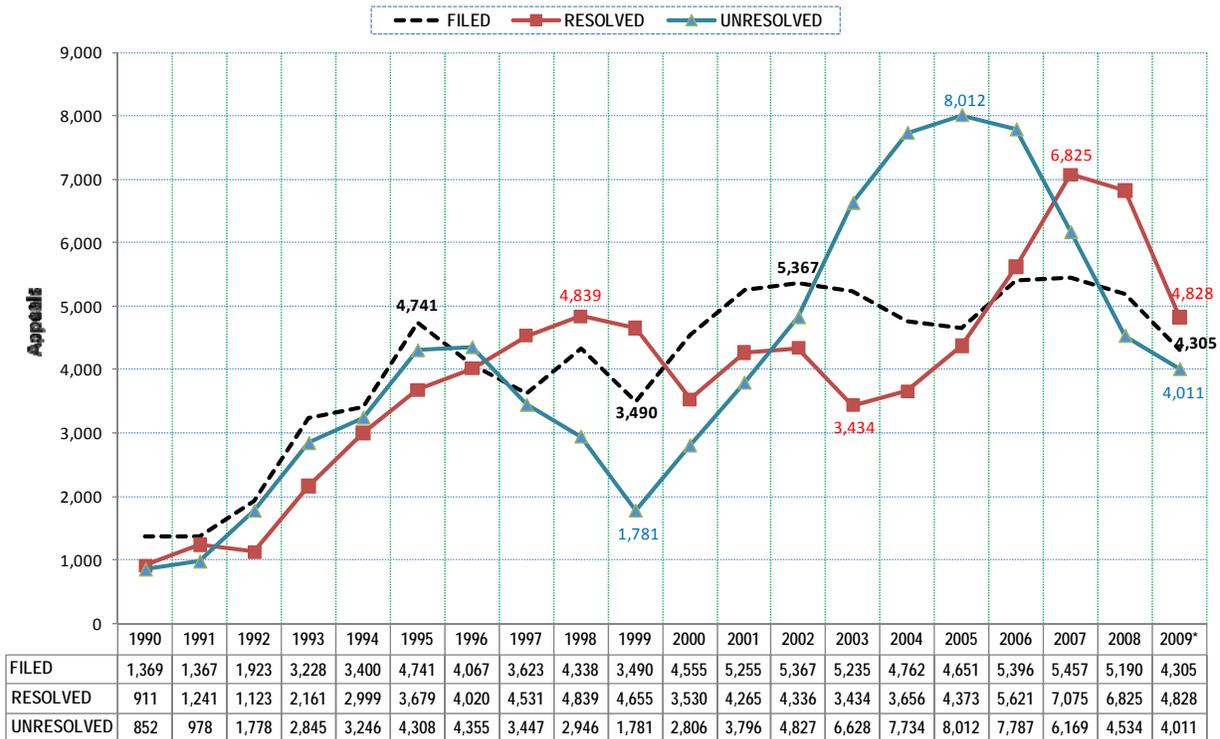
The Occupational Safety and Health Appeals Board (OSHAB) consists of three members appointed by the governor for four-year terms. By statute, the members are selected each from the field of management, labor and the general public. The chairman is selected by the governor.

The mission of OSHAB is to fairly, timely and efficiently resolve appeals and to provide clear, consistent guidance to the public, thereby promoting workplace health and safety. OSHAB handles appeals from private and public sector employers regarding citations issued by DOSH for alleged violation of workplace health and safety laws and regulations.

The chart below shows the OSHAB workload: appeals filed, resolved, and unresolved. From 1990, the numbers of appeals filed with OSHAB yearly have been growing steadily until 1995, reaching 4,741 cases in 1995. From 1995 to 2009, the number of appeals filed yearly stabilized at an average number of 4,695 cases, with a maximum of 5,457 appeals filed in 2007.

From 1990 to 1996, an average of 82 percent of filed appeals was resolved each year. From 1997 to 2000, the OSHAB processed appeals in a shorter time frame (10 months) than the Fed/OSHA standard, averaging 123 percent of yearly filed cases; therefore, the number of unresolved appeals reached its minimum in 1999. From 2000 to 2006, the processed appeals had slowed down again because an average of 83 percent of filed appeals was resolved each year, increasing the number of unresolved cases to its maximum of 8,012 cases in 2005. From 2005 to 2009, the numbers of unresolved cases decreased by 50 percent since an average of 124 percent of yearly filed cases were resolved in 2007, 2008 and 2009.

Occupational Health and Safety Appeals Board (OSHAB) Workload, 1990- 2009



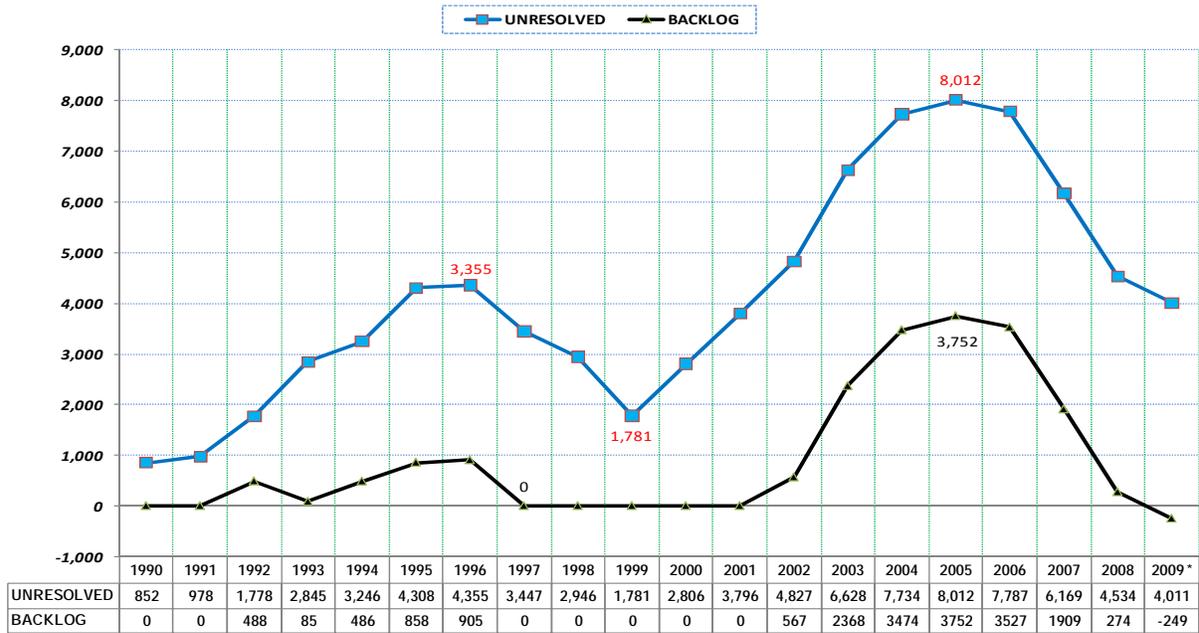
* The information will be updated when complete data is available

Data Source: OSHAB

The trend and level of backlogged appeals reflect changes in unresolved cases as they accumulate from previous years. As the chart below shows, the pattern of backlog repeats the pattern of unresolved cases described in the above paragraph.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Occupational Health and Safety Appeals Board (OSHAB) Backlogs, 1990 - 2009

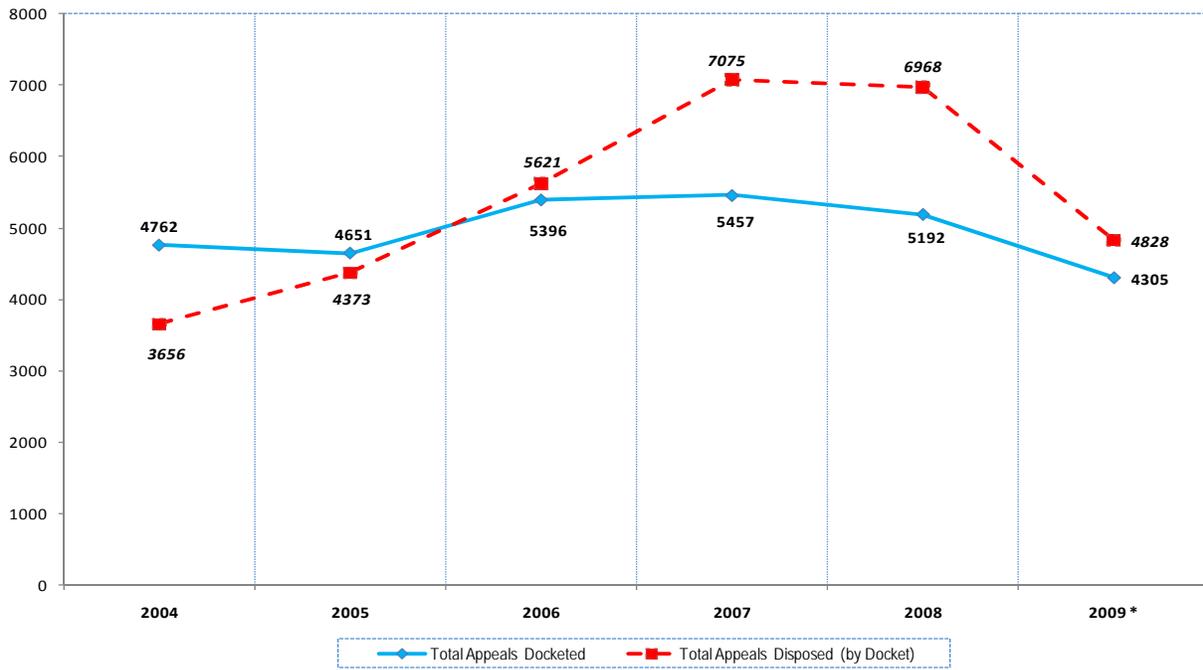


* The information will be updated when complete data is available

Data Source: OSHAB

The chart below shows the total number of appeals docketed and disposed from 2004 to 2009.

Occupational Safety and Health Appeals Board (OSHAB)
Appeals Docketed and Disposed



* The information will be updated when complete numbers are available.

Data Source: OSHAB

Educational and Outreach Programs

In conjunction and cooperation with the entire health and safety and workers' compensation community, DIR administers and participates in several major efforts to improve occupational health and safety through education and outreach programs.

Worker Occupational Safety and Health Training and Education Program

The Commission on Health and Safety and Workers' Compensation (CHSWC) is mandated by Labor Code Section 6354.7 to maintain the Worker Occupational Safety and Health Training and Education Program (WOSHTEP). The purpose of WOSHTEP is to promote injury and illness prevention programs. For further information about WOSHTEP: <http://www.dir.ca.gov/chswc/woshtep.html>

School Action for Safety and Health

Per the mandate set forth in the Labor Code, CHSWC is to assist inner-city schools or any school or district in establishing effective occupational injury and illness prevention programs (IIPPs). CHSWC has established a model program, California's School Action for Safety and Health (SASH) program, to help schools statewide improve their injury and illness prevention programs. For further information about SASH: <http://www.dir.ca.gov/chswc/SASH/index.htm>

The California Partnership for Young Worker Health and Safety

CHSWC has convened the California Partnership for Young Worker Health and Safety. The Partnership is a statewide task force that brings together government agencies and statewide organizations representing educators, employers, parents, job trainers and others. The Partnership develops and promotes strategies to protect youth at work and provides training, educational materials, technical assistance, and information and referrals to help educate young workers. For further information about Partnership: <http://www.dir.ca.gov/YoungWorker/YoungWorkerPartnership.html>

Cal/OSHA Consultation

Consultative assistance is provided to employers through on-site visits, telephone support, publications and educational outreach. All services provided by Cal/OSHA Consultation are provided free of charge to California employers.

Partnership Programs

California has developed several programs that rely on industry, labor, and government to work as partners in encouraging and recognizing workplace health and safety programs that effectively prevent and control injuries and illnesses to workers. These partnership programs include the Voluntary Protection Program (VPP), Golden State, SHARP, Golden Gate, and special alliances formed between industry, labor and OSHA.

WORKERS' COMPENSATION SYSTEM PERFORMANCE

Introduction

CHSWC examines the overall performance of the entire health and safety and workers' compensation system to determine whether it meets the State's Constitutional objective to "accomplish substantial justice in all cases expeditiously, inexpensively, and without encumbrance of any character."

In this section, CHSWC has attempted to provide performance measures to assist in evaluating the system impact on everyone, particularly workers and employers. These measures include:

- Workers' Compensation Appeals Board (WCAB) Workload
 - DWC Opening Documents
 - DWC Hearings
 - DWC Decisions
 - DWC Lien Filings and Decisions
 - DWC Audits
- Disability Evaluation Unit Data
- Uninsured Employers Benefits Trust Fund
- Medical Provider Networks and Healthcare Organizations
- Carve-outs – Alternative Workers' Compensation Systems
- Fraud Statistics
- Division of Labor Standards Enforcement (DLSE)

WCAB WORKLOAD

Division of Workers' Compensation Opening Documents

Three types of documents open a Workers' Compensation Appeals Board (WCAB) case. The graph on the next page shows the numbers of Applications for Adjudication of Claim (Applications), Original Compromise and Releases (C&Rs), and Original Stipulations (Stips) received by the Division of Workers' Compensation (DWC).

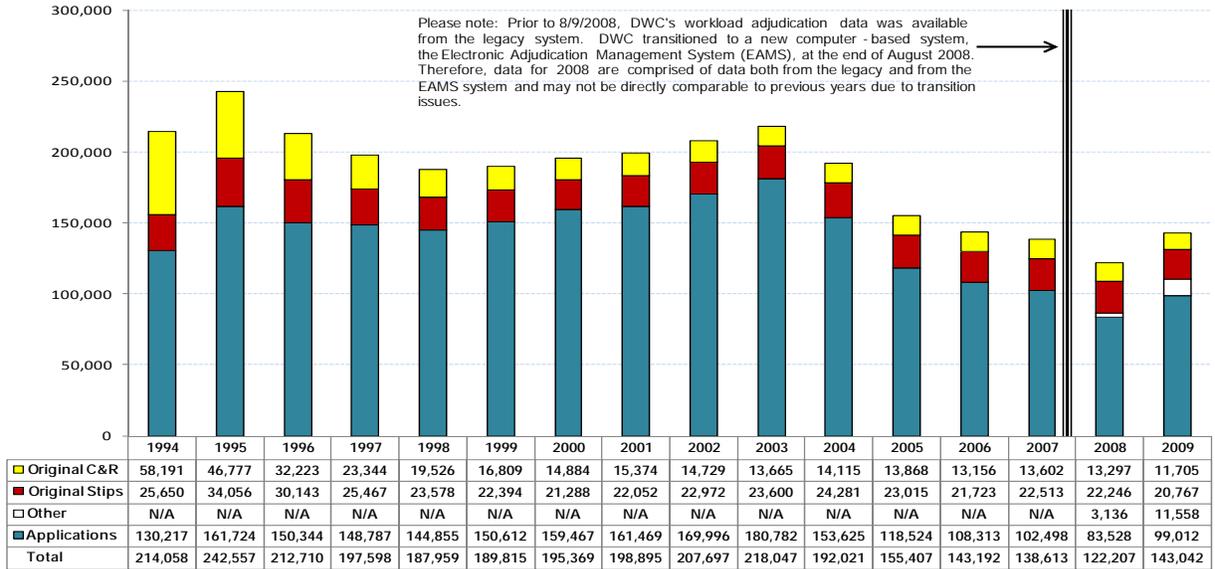
Prior to August, 2008, Division of Workers' Compensation (DWC) workload adjudication data were available from the legacy system. At the end of August 2008, DWC transitioned to a new computer-based system, the Electronic Adjudication Management System (EAMS). Therefore, data for 2008 are comprised of data both from the legacy and from the EAMS system and may not be directly comparable to previous years due to transition issues.²⁴

As the graph on the next page shows, the total number of Opening Documents increased from 1994 to 1995, and then declined overall during the second part of 1990s, with a slight increase from 1998 to 1999. This increase from 1998 to 1999 continued over five years up to 2003. From 2003 to 2009, there was an overall decrease of 34 percent in the total number of Opening Documents.

²⁴ Analysis of trends for WCAB workload data include 2009 EAMS calendar year data only for aggregate numbers, but the same analysis for categories within major types of WCAB workload use only legacy data available through 2007. Analysis of trends using both EAMS and legacy data within major types of WCAB workload through 2009 was not possible due to several reasons, including the introduction of new categories in EAMS and the redefinition of previously existing categories.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

DWC Opening Documents

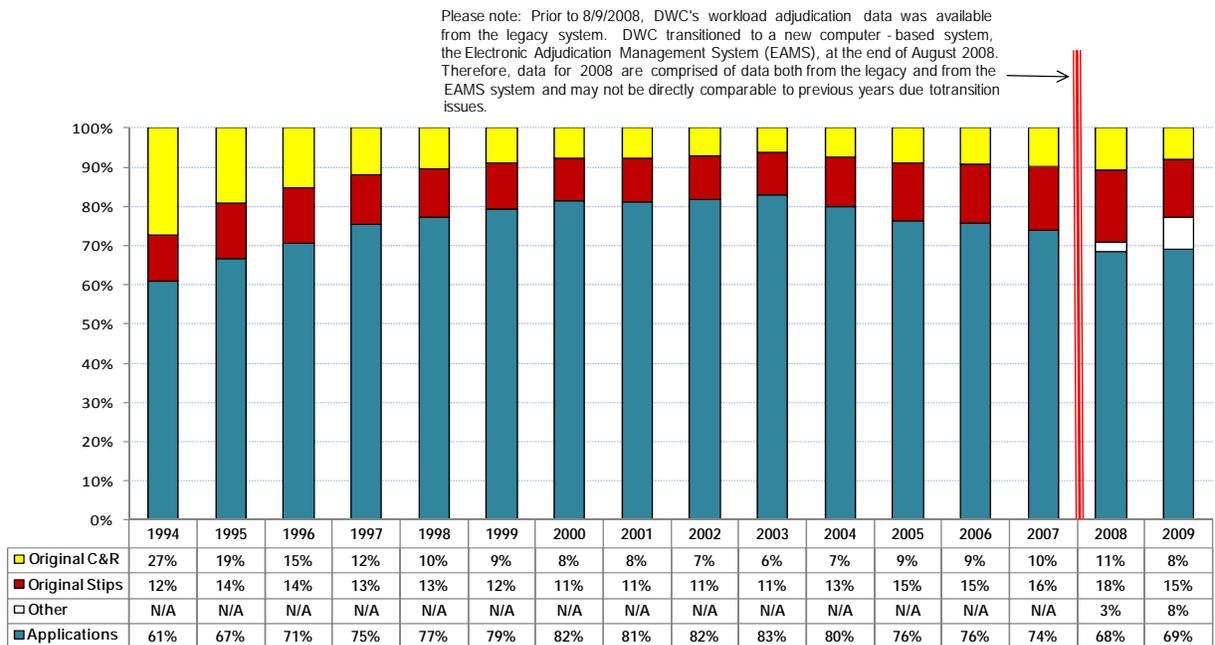


Data Source: DWC

Mix of DWC Opening Documents

As shown in the following graph, the proportion or mix of the types of case-opening documents received by DWC varied during the 1990s. The proportion of Applications was rising from 1994 through 2003 and declining slightly from 2003 to 2007. The proportion of Original (case-opening) Stips averaged 12 percent from 1994 to 2003 and then increased from 2003 to 2007. The proportion of original C&Rs declined from 1994 to 2003 and then increased from 2003 to 2007.

Percentage by Type of Opening Documents



Data Source: DWC

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

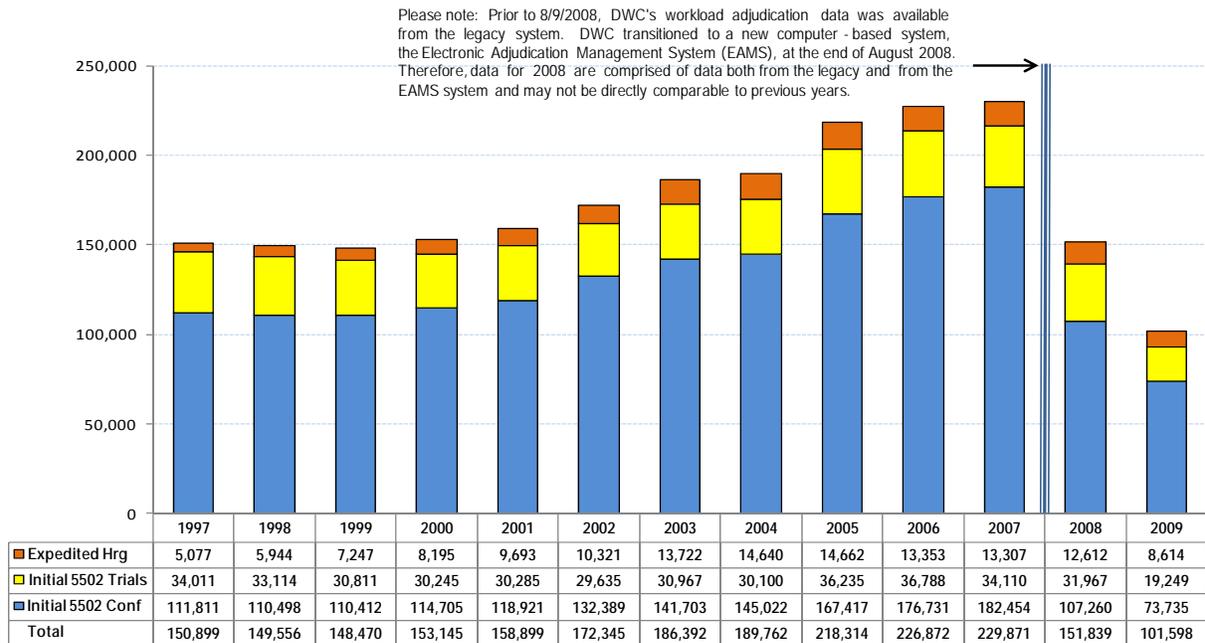
Division of Workers' Compensation Hearings

Numbers of Hearings

The graph below indicates the numbers of different types of hearings held in DWC from 1997 through 2009. The total number of hearings held increased by 52 percent from 1997 to 2007 and then decreased by 56 percent from 2007 to 2009.

Expedited hearings for certain cases, such as determination of medical necessity, may be requested pursuant to Labor Code Section 5502(b). Per Labor Code Section 5502(d), Initial 5502 Conferences are to be conducted in all other cases within 30 days of the receipt of a Declaration of Readiness (DR), and Initial 5502 Conference. Trials are to be held within 75 days of the receipt of a DR if the issues were not settled at the Initial 5502 Conference.

DWC Hearings Held



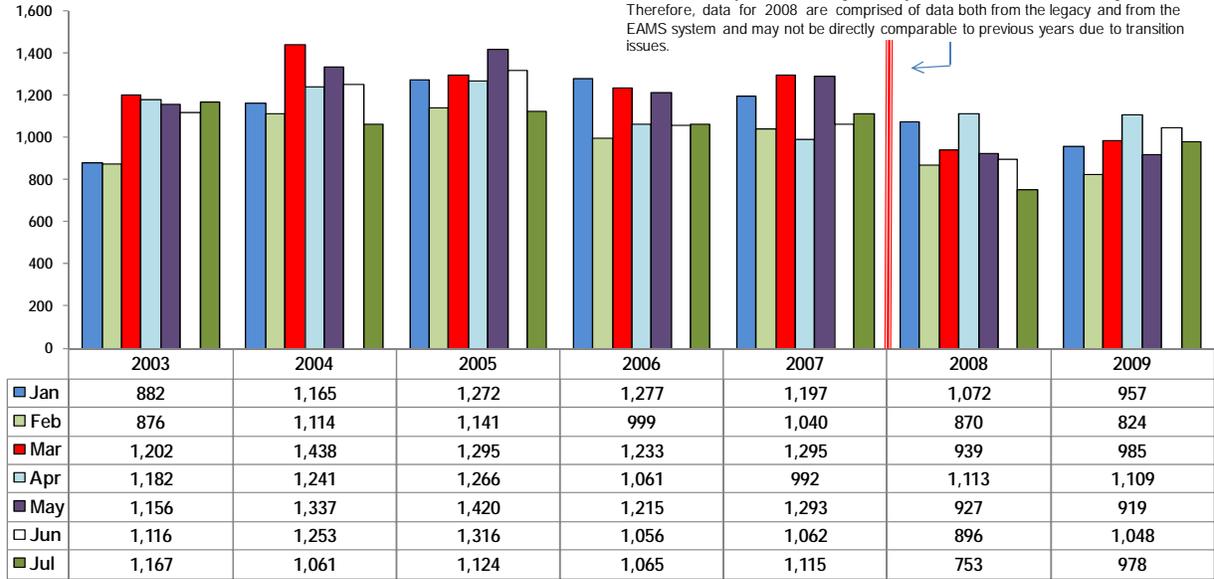
Data Source: DWC

DWC Expedited Hearings

The chart on the next page compares the number of expedited hearings from January through July of 2003 to 2009. Except for July, the number of hearings during each month increased between 2003 and 2005. However, between 2005 and 2009, the number of expedited hearings decreased overall for all the months.

DWC Expedited Hearings Held (January - July, 2003-2009)

Please note: Prior to 8/9/2008, DWC's workload adjudication data was available from the legacy system. DWC transitioned to a new computer-based system, the Electronic Adjudication Management System (EAMS), at the end of August 2008. Therefore, data for 2008 are comprised of data both from the legacy and from the EAMS system and may not be directly comparable to previous years due to transition issues.



Data Source: DWC

Timeliness of Hearings

California Labor Code Section 5502 specifies the time limits for various types of hearings conducted by DWC on WCAB cases. In general:

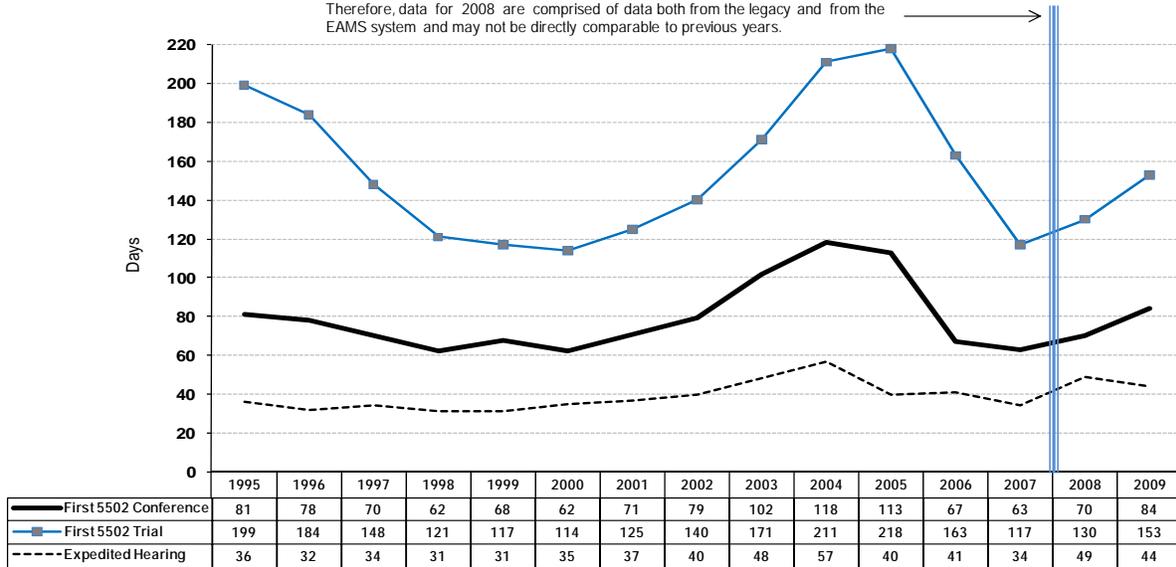
- A conference is required to be held within 30 days of the receipt of a request in the form of a DR.
- A trial must be held either within 60 days of the request or within 75 days if a settlement conference has not resolved the dispute.
- An expedited hearing must be held within 30 days of the receipt of the DR.

As the chart on the next page shows, the average elapsed time from a request to a DWC hearing decreased in the mid-1990s to late-1990s and then remained fairly constant. From 2000 to 2004, all of the average elapsed times have increased from the previous year's quarter and none were within the statutory requirements. However, between 2005 and 2007, the average elapsed time from the request to a trial decreased by 46 percent, the average elapsed time for conferences decreased by 44 percent, and the average time for expedited hearings decreased by 15 percent.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Elapsed Time in Days from Request to DWC Hearing (4th Quarter)

Please note: Prior to 8/9/2008, DWC's workload adjudication data was available from the legacy system. DWC transitioned to a new computer-based system, the Electronic Adjudication Management System (EAMS), at the end of August 2008. Therefore, data for 2008 are comprised of data both from the legacy and from the EAMS system and may not be directly comparable to previous years.



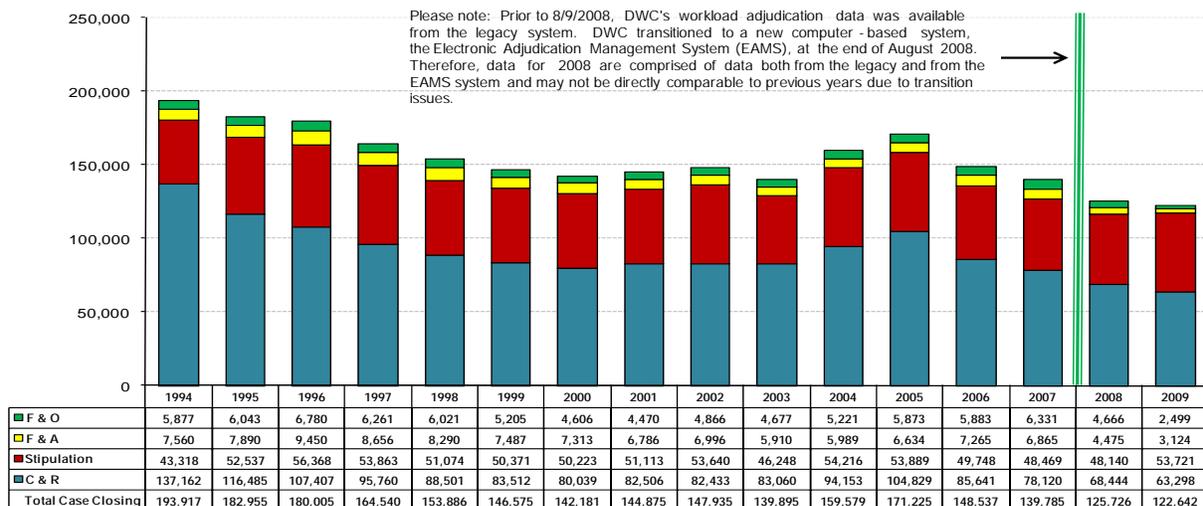
Source: DWC

Division of Workers' Compensation Decisions

DWC Case-Closing Decisions

The number of decisions made by DWC that are considered to be case-closing declined overall during the second part of 1990s, increased slightly from 2000 to 2002, decreased in 2003, and then increased again between 2003 and 2005. In 2009, the total number of case-closing decisions decreased by 28 percent from its 2005 level.

DWC Case-Closing Decisions



Data Source: DWC

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Mix of DWC Decisions

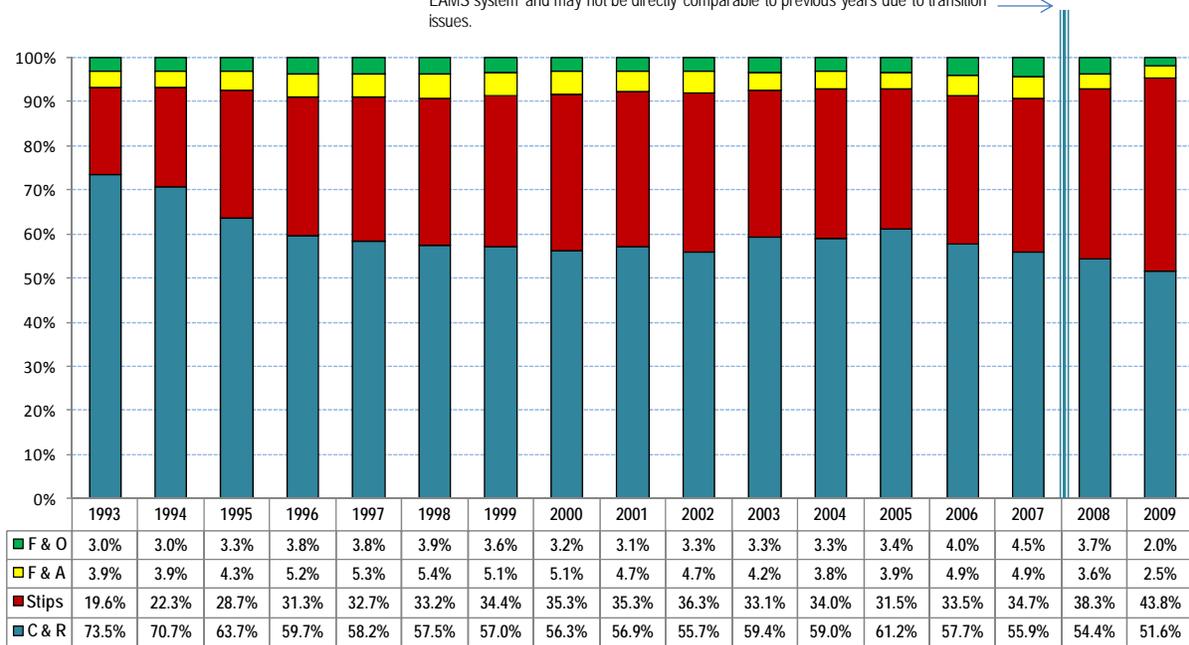
As shown on the charts on the previous page and this page, again, the vast majority of the case-closing decisions rendered during the 1990s were in the form of a WCAB judge's approval of Stips and C&Rs which were originally formulated by the case parties.

During the period from 1993 through 2007, there was an overall increase in proportion of Stips and overall decrease in proportion of C&Rs. This reflects the large decrease in the issuance of C&Rs through the 1990s.

Only a small percentage of case-closing decisions evolved from an F&A or F&O issued by a WCAB judge after a hearing.

DWC Decisions: Percent Distribution by Type of Decisions

Please note: Prior to 8/9/2008, DWC's workload adjudication data was available from the legacy system. DWC transitioned to a new computer-based system, the Electronic Adjudication Management System (EAMS), at the end of August 2008. Therefore, data for 2008 are comprised of data both from the legacy and from the EAMS system and may not be directly comparable to previous years due to transition issues.



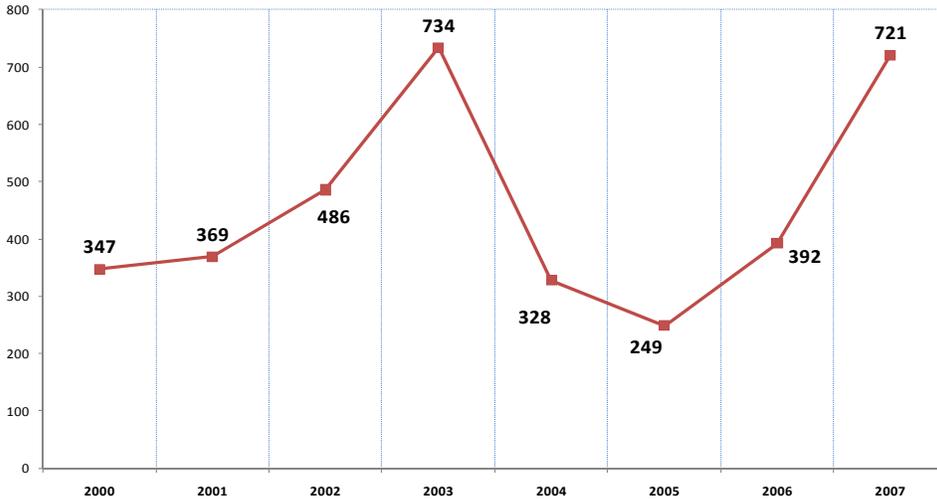
Data Source: DWC

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Division of Workers' Compensation Lien Filings and Decisions

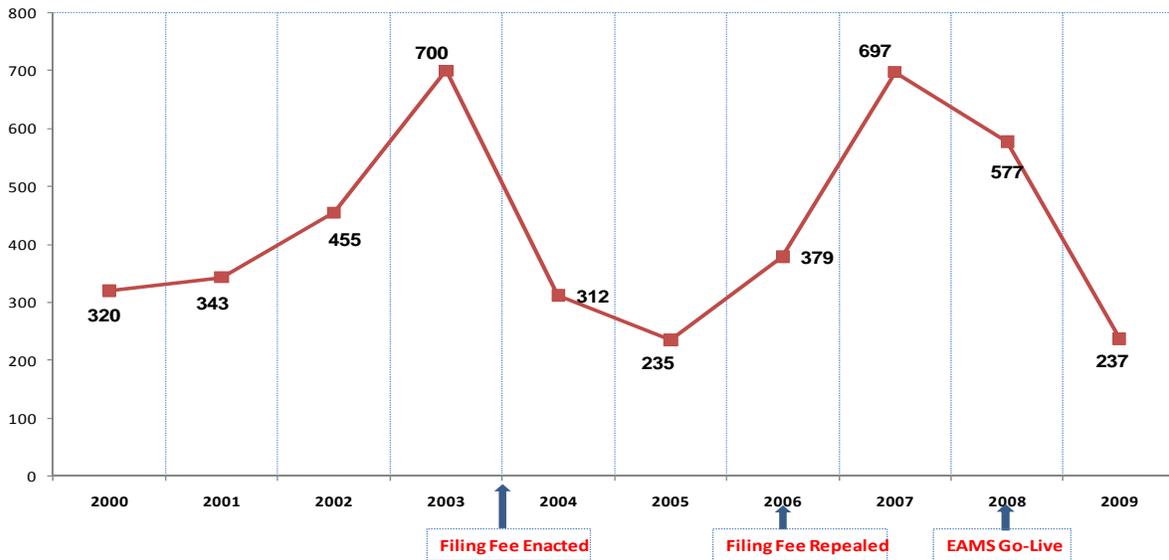
As shown in two charts below, the number of liens has increased by more than 110 percent between 2000 and 2003, decreased by 66 percent between 2003 and 2005, increased by more than 190 percent between 2005 and 2007, and decreased by 66 percent from 2007 to 2009.

Number of Liens Filed, 2000 - 2007 (Thousands)
(Legacy System data)



Data Source: DIR

Number of Liens Filed, 2000 - 2009 (Thousands)
EAMS*



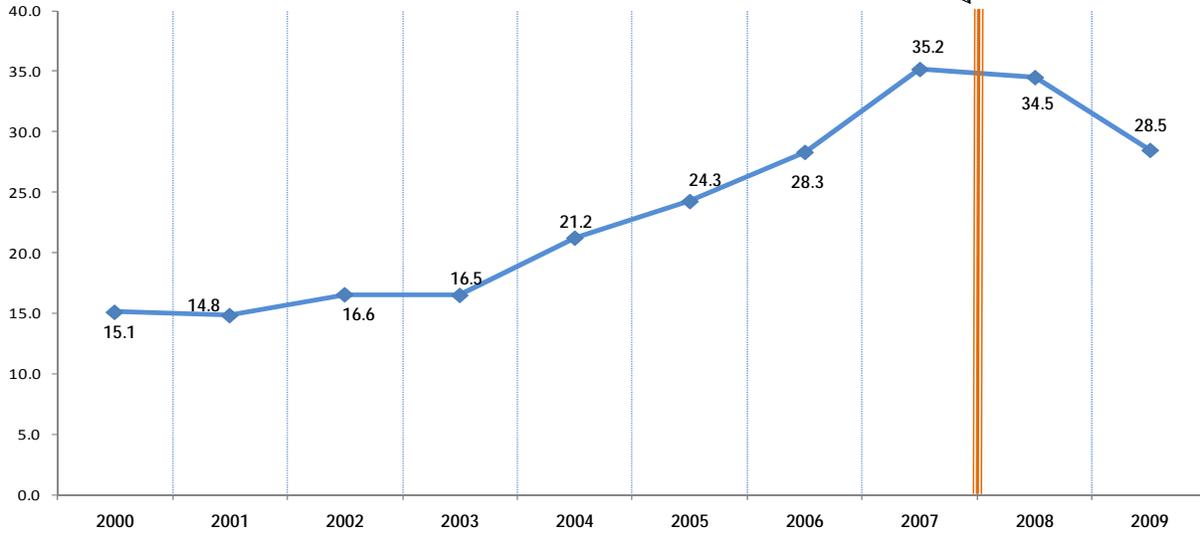
* Please Note that data from Electronic Adjudication Management System (EAMS) do not include Informational liens
Data Source: DWC

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The following chart shows a large growth in decisions regarding liens filed on WCAB cases and a concomitant expenditure of DWC staff resources on the resolution of those liens.

Lien Decisions, 2000 - 2009 (Thousands)

Please note: Prior to 8/9/2008, DWC's workload adjudication data was available from the legacy system. DWC transitioned to a new computer-based system, the Electronic Adjudication Management System (EAMS), at the end of August 2008. Therefore, data for 2008 are comprised of data both from the legacy and from the EAMS system and may not be directly comparable to previous years due to transition issues.



Data Source: DWC

See "Report on Liens" (CHSWC, 2011) for a complete description.

DIVISION OF WORKERS' COMPENSATION AUDIT AND ENFORCEMENT PROGRAM

Background

The 1989 California workers' compensation reform legislation established an audit function within the Division of Workers' Compensation (DWC) to monitor the performance of workers' compensation insurers, self-insured employers, and third-party administrators to ensure that industrially injured workers are receiving proper benefits in a timely manner.

The purpose of the audit and enforcement function is to provide incentives for the prompt and accurate delivery of workers' compensation benefits to industrially injured workers and to identify and bring into compliance those insurers, third-party administrators, and self-insured employers who do not deliver benefits in a timely and accurate manner.

Assembly Bill 749 Changes to the Audit Program

Assembly Bill (AB) 749, effective January 1, 2003, resulted in major changes to California workers' compensation law and mandated significant changes to the methodologies for file selection and assessment of penalties in the audit program.

Labor Code Sections 129 and 129.5 were amended to ensure that each audit unit will be audited at least once every five years and that good performers will be rewarded. A profile audit review (PAR) of every audit subject will be done at least every five years. Any audit subject that fails to meet a profile audit standard established by the Administrative Director (AD) of the DWC will be given a full compliance audit (FCA). Any audit subject that fails to meet or exceed the FCA performance standard will be audited again within two years. Targeted PARs or FCAs may also be conducted at any time based on information indicating that an insurer, self-insured employer, or third-party administrator is failing to meet its obligations.

To reward good performers, profile audit subjects that meet or exceed the PAR performance standard will not be liable for any penalties but will be required to pay any unpaid compensation. FCA subjects that meet or exceed standards will only be required to pay penalties for unpaid or late paid compensation, as well as any unpaid compensation.

Labor Code Section 129.5(e) was amended to provide for civil penalties up to \$100,000 if an employer, insurer, or third-party administrator has knowingly committed or (rather than "and") has performed with sufficient frequency to indicate a general business-practice act discharging or administering its obligations in specified improper manners. Failure to meet the FCA performance standards in two consecutive FCAs will be rebuttably presumed to be engaging in a general business practice of discharging and administering compensation obligations in an improper manner.

Review of the civil penalties assessed is obtained by written request for a hearing before the Workers' Compensation Appeals Board (WCAB) rather than by application for a writ of mandate in the Superior Court. Judicial review of the Board's F&O is as provided in Sections 5950 et seq.

Penalties collected under Section 129.5 and unclaimed assessments for unpaid compensation under Section 129 are credited to the Workers' Compensation Administration Revolving Fund (WCARF).

Audit and Enforcement Unit Data

The following charts and graphs depict workload data from 2000 through 2009. As noted on the charts, data before 2003 cannot be directly compared with similar data in 2003 and after because of the significant changes in the program effective January 1, 2003.

Overview of Audit Methodology

Selection of Audit Subjects

Audit subjects, including insurers, self-insured employers and third-party administrators, are selected randomly for routine audits.

The bases for selecting audit subjects for targeted audits are specified in 8 California Code of Regulations (CCR) Section 10106.1(c), effective January 1, 2003:

- Complaints regarding claims handling received by DWC.
- Failure to meet or exceed FCA Performance Standards.
- High numbers of penalties awarded pursuant to Labor Code Section 5814.
- Information received from the Workers' Compensation Information System (WCIS).
- Failure to provide a claim file for a PAR.
- Failure to pay or appeal a Notice of Compensation Due ordered by the Audit Unit.

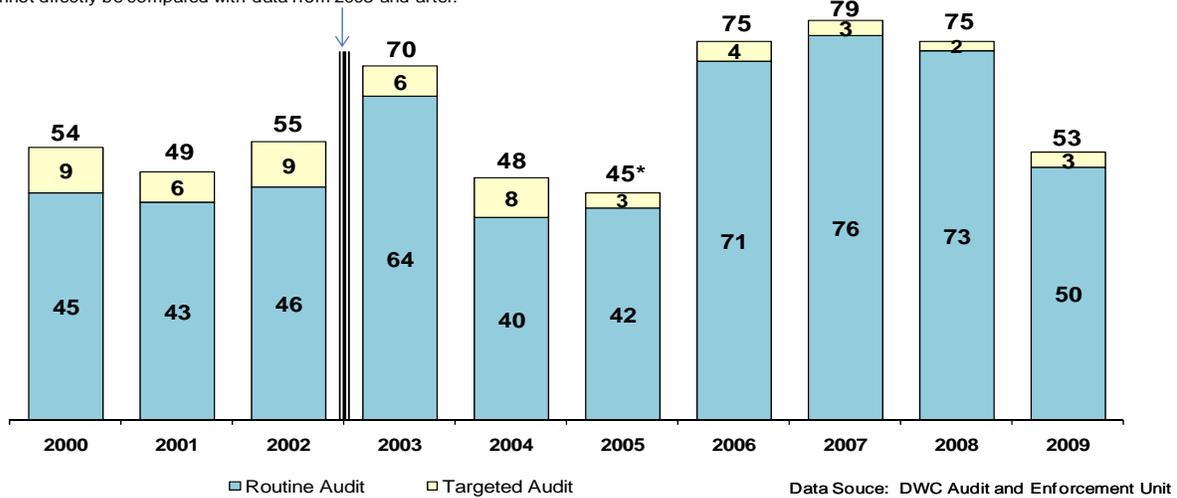
SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Routine and Targeted Audits

The following chart shows the number of routine audits and targeted audits and the total number of audits conducted each year.

Routine and Targeted Audits

Please Note: Assembly Bill 749 resulted in major changes to California workers' compensation law and mandated significant changes to the audit program beginning in 2003. Therefore, audit workload data from years prior to 2003 cannot directly be compared with data from 2003 and after.

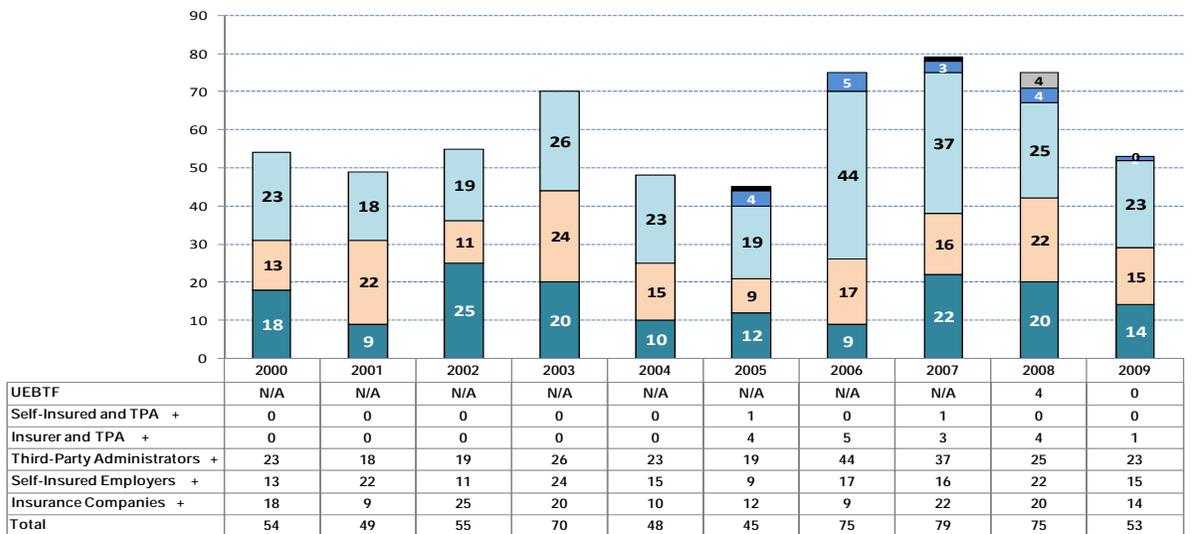


* Note: An additional target audit was conducted based on a return agreement in a previous stipulation of civil penalty in 2000.

Audits by Type of Audit Subject

The following chart depicts the total number of audit subjects each year with a breakdown by whether the subject is an insurance company (insurer), a self-insured employer, or a third-party administrator.

DWC Audits by Type of Audit Subject



■ Insurance Companies + ■ Self-Insured Employers + ■ Third-Party Administrators + ■ Insurer and TPA + ■ Self-Insured and TPA + ■ UEBTF = Total

Data Source: DWC Audit and Enforcement

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

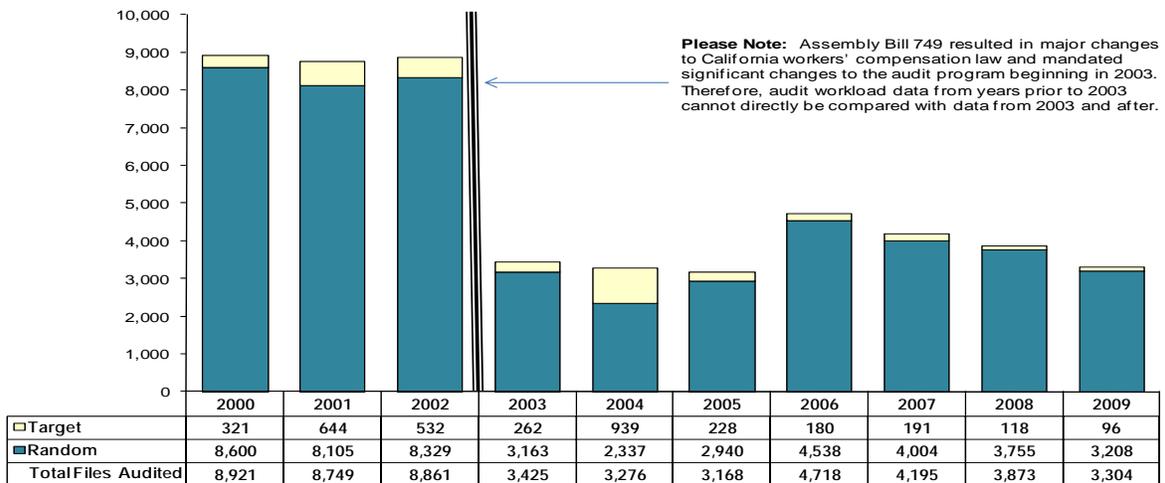
Selection of Files to be Audited

The majority of claim files are selected for audit on a random basis, with the number of indemnity and denied cases being selected based on the numbers of claims in each of those populations of the audit subject:

- Targeted files are selected because they have attributes that the audits focus on.
- Additional files include claims chosen based on criteria relevant to a targeted audit but for which no specific complaints had been received.
- The number of claims audited is based upon the total number of claims at the adjusting location and the number of complaints received by DWC related to claims-handling practices. Types of claims include indemnity, medical-only, denied, complaint and additional.

The following chart shows the total number of files audited each year, broken down by the method used to select them.

Files Audited by Method of Selection

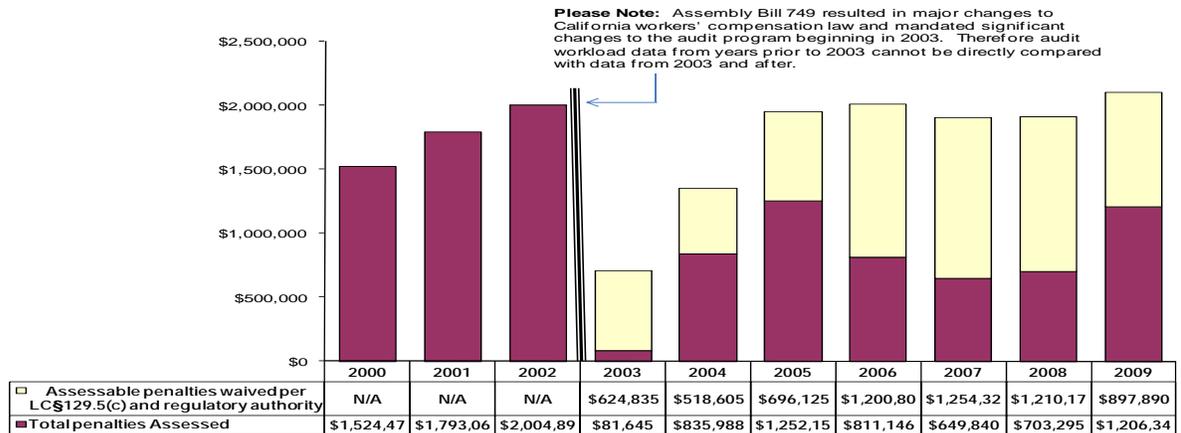


Data Source: DWC Audit and Enforcement Unit

Administrative Penalties

As shown in the following chart, the administrative penalties assessed have changed significantly since the reform legislation changes to the Audit and Enforcement Program beginning in 2003.

DWC Audit Unit - Administrative Penalties

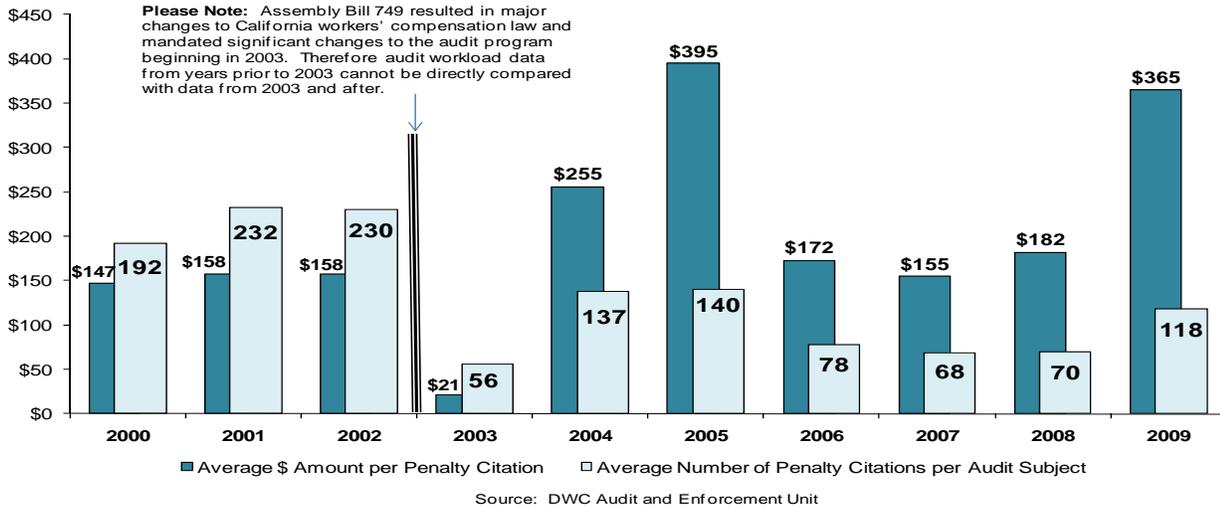


Source: DWC Audit and Enforcement Unit

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The following chart shows the average number of penalty citations per audit subject each year and the average dollar amount per penalty citation.

Average Number of Penalty Citations per Audit Subject and Average Amount per Penalty Citation

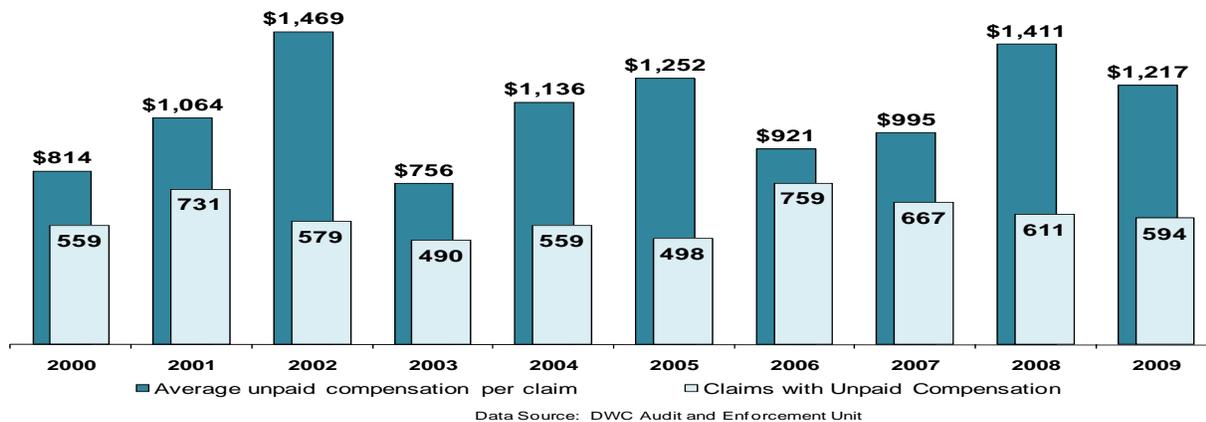


Unpaid Compensation Due To Claimants

Audits identify claim files in which injured workers were owed unpaid compensation. The administrator is required to pay these employees within 15 days after receipt of a notice advising the administrator of the amount due, unless a written request for a conference is filed within 7 days of receipt of the audit report. When employees due unpaid compensation cannot be located, the unpaid compensation is payable by the administrator to WCARF. In these instances, application by an employee can be made to DWC for payment of monies deposited by administrators into this fund.

The following chart depicts the average number of claims per audit where unpaid compensation was found and the average dollar amount of compensation due per claim.

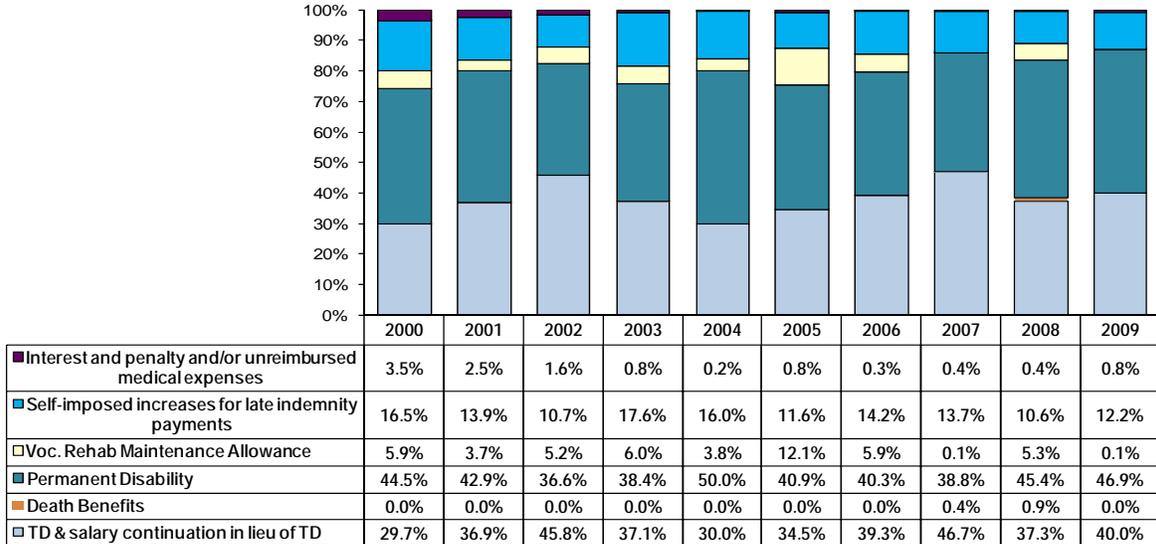
DWC Audit Unit Findings of Unpaid Compensation Number of Claims / Average \$ Unpaid per Claim



SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The following chart shows unpaid compensation each year, broken down by percentage of the specific type of compensation that was unpaid.

**Unpaid Compensation in Audited Files
Type by Percentage of Total**



Data Source: DWC Audit and Enforcement Unit

For further information ...

DWC Annual Audit Reports may be accessed at <http://www.dir.ca.gov/dwc/audit.html>
 CHSWC "Report on the Division of Workers' Compensation Audit Function" (1998)
<http://www.dir.ca.gov/CHSWC/FinalAuditReport.html>

UNINSURED EMPLOYERS BENEFITS TRUST FUND

Current Funding Liabilities and Collections

Claims are paid from the Uninsured Employers Benefit Trust Fund (UEBTF) when illegally uninsured employers fail to pay workers' compensation benefits awarded to their injured employees by WCAB.

UEBTF Funding Mechanisms

The funding for the UEBTF comes primarily from assessments on both insured and self-insured employers. According to Labor Code Section 62.5(e), the "total amount of the assessment is allocated between the employers in proportion to the payroll paid in the most recent year for which payroll information is available."²⁵

The assessment for the insured employers is based on a percentage of the premium, while the percentage for self-insured employers is based on a percentage of indemnity paid during the most recent year.

²⁵ Prior to the workers' compensation reforms of 2004, the funding for UEBTF came from the General Fund.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Apart from the assessments on employers required by Labor Code Section 62.5, UEBTF is funded by two other sources:

- Fines and penalties collected by the DIR. These include both the Division of Labor Standards and Enforcement (DLSE) penalties as well as Labor Code Section 3701.7 penalties on self-insured employers.
- Recoveries from illegally uninsured employers per Labor Code Section 3717.

The chart below shows monies collected by the source of the revenue.²⁶

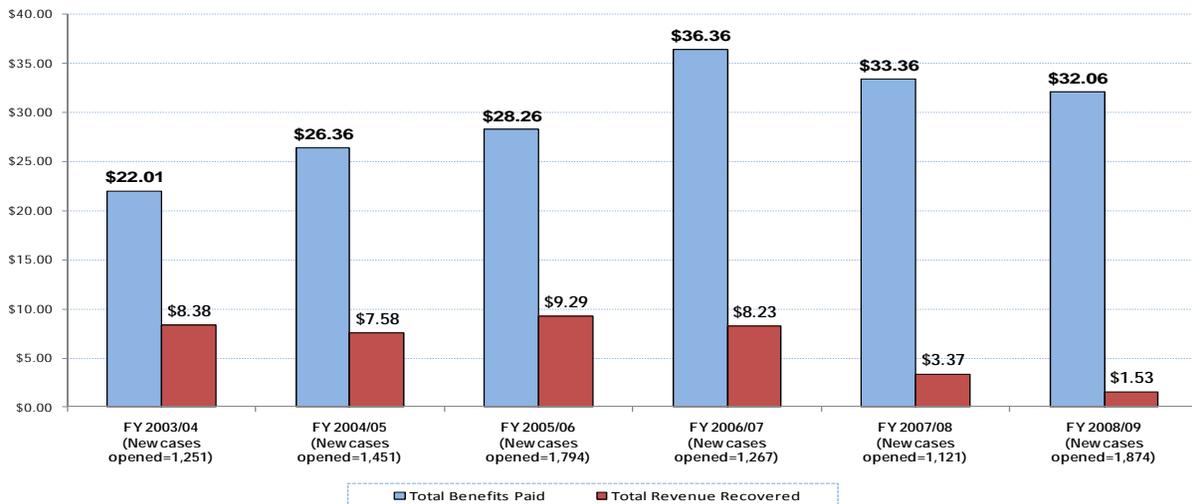
**UEBTF Revenues, FY 2003-04 to FY 2008-09
(Million \$)**



Data Source: DWC

The number of new UEBTF cases and dollar amounts associated with new opened claims for the past seven fiscal years are shown below.

**UEBTF Total Benefits Paid and Total Revenue Recovered*
(Million \$)**



* Includes collections, DLSE penalties, and inmates without dependents

Data Source: DWC

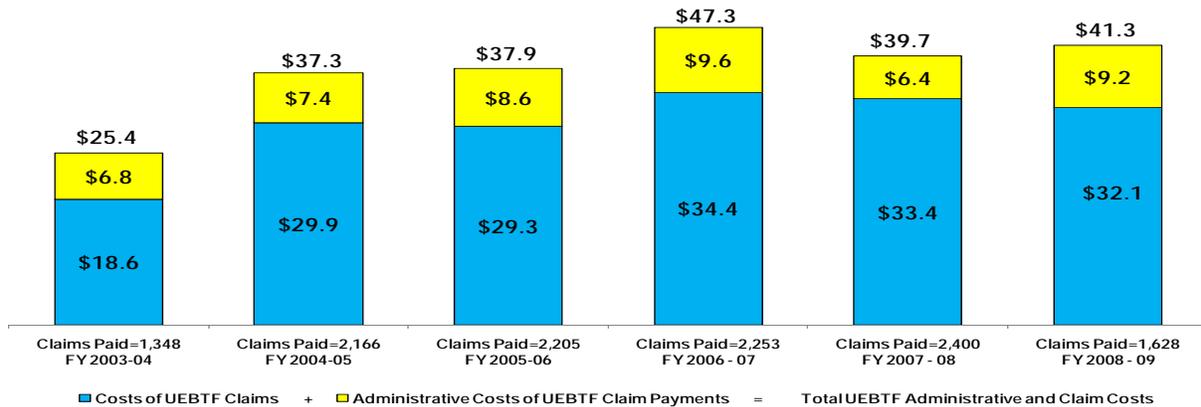
²⁶ The data in the chart "UEBTF Revenues" can be found at DWC/ Special Funds Unit/UEBTF website http://www.dir.ca.gov/dwc/UEF/UEF_LC3716_1.pdf.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Costs of the Uninsured Employers Benefits Trust Fund

The number of uninsured claims paid increased 78 percent from 1,348 in fiscal year 2003-04 to 2,253 in 2007-08 and then decreased by 32 percent from 2007-08 to 2008-09, and increased again by 3.9 percent from 2007-08 to 2008-09. The cost of claims increased 85 percent from 2003-04 to 2006-07, and decreased 7 percent from 2006-07 to 2008-09. Administrative costs associated with claim payment activities have increased 41 percent from 2003-04 to 2006-07, decreased 33 percent from 2006-07 to 2007-08, and increased almost 44 percent from 2007-08 to 2008-09.

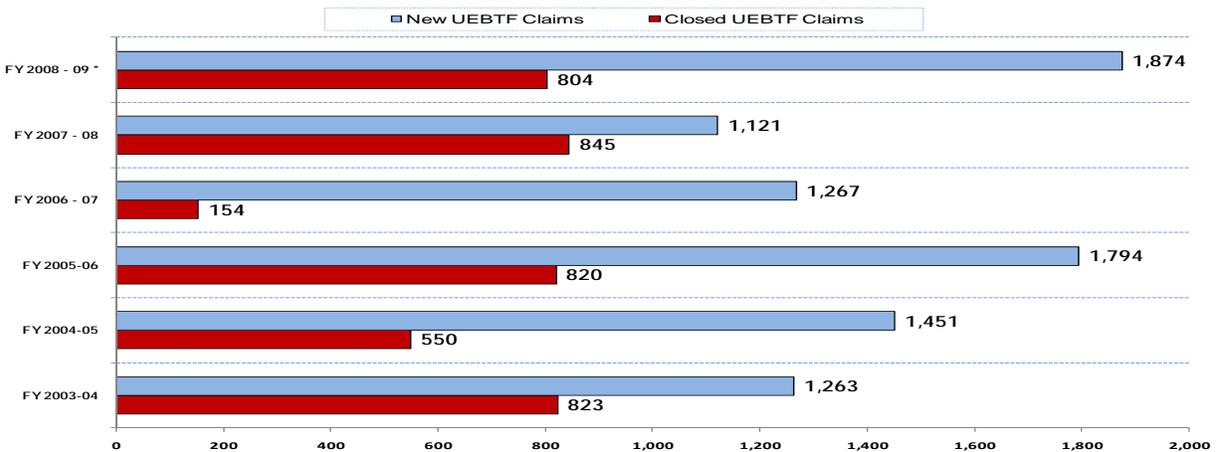
**Number of UEBTF Claims Paid and Costs,
FY 2003-04 to FY 2008-09
(Million \$)**



Data Source: DWC

The projected UEBTF annual program cost for the most recent fiscal year 2009-10 is \$41.8 million.²⁷ This cost includes the administrative costs associated with claims-payment activities, as well as the payout on claims filed by injured workers of illegally uninsured employers. As shown in the chart below, the number of new UEBTF claims was increasing each year from fiscal year 2003-04 to fiscal year 2005-06, then decreasing steadily from 2005-06 to 2007-08. The number of new UEBTF claims in fiscal year 2008-09 increased to almost the same level as in fiscal year 2005-06.

Number of UEBTF New and Closed Claims, FY 2003-04 to FY 2008-09



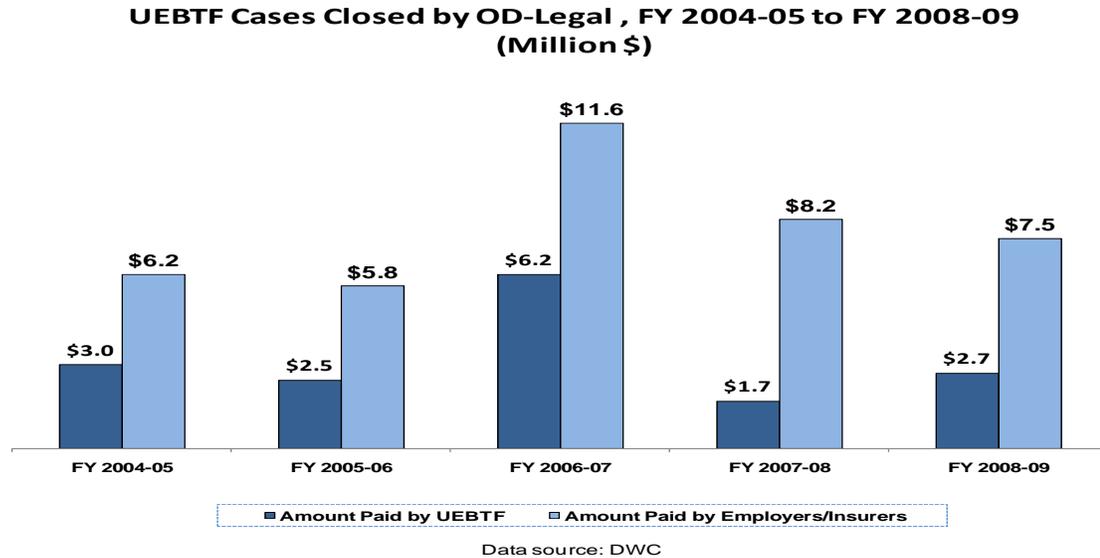
* An estimate due to problems at Go Live

Data Source: DWC

²⁷ Division of Workers' Compensation, "Report of the Uninsured Employers Benefit Trust Fund in Compliance with Labor Code Section 3716.1(c) for Fiscal Year 2008-09 at http://www.dir.ca.gov/dwc/UEF/UEF_LC3716_1.pdf.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The chart below provides data on the ratio of money paid out by employers and insurers compared to that paid out by UEBTF in claims where UEBTF was joined in a WCAB case. The chart below demonstrates that in these cases, more money is paid to injured workers from employers and insurers than from UEBTF.²⁸



DISABILITY EVALUATION UNIT

The DWC Disability Evaluation Unit (DEU) determines permanent disability (PD) ratings by assessing physical and mental impairments in accordance with the Permanent Disability Rating Schedule (PDRS). The ratings are used by workers' compensation judges, injured workers, and insurance claims administrators to determine PD benefits.

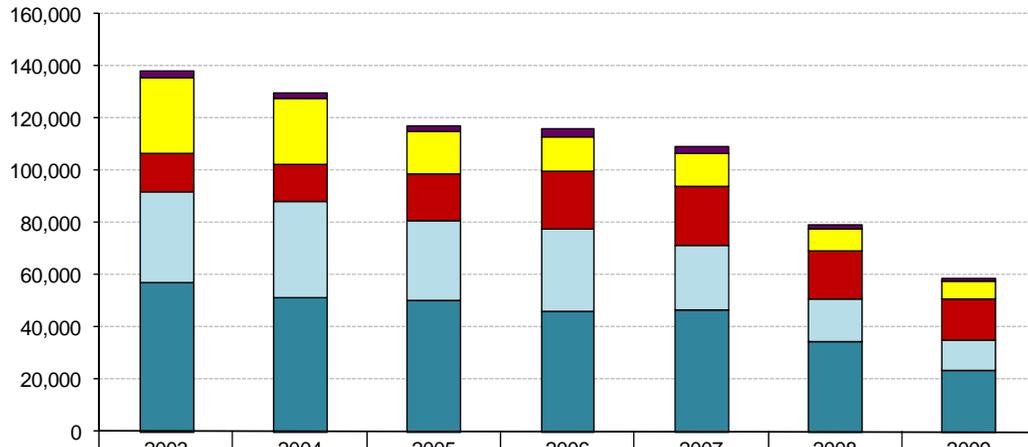
DEU prepares three types of ratings: formal, done at the request of a workers' compensation judge; consultative, done at the request of an attorney or DWC Information & Assistance (I&A) Officer; and summary, done at the request of a claims administrator or injured worker. Summary ratings are done only on non-litigated cases, and formal consultative ratings are done only on litigated cases.

The rating is a percentage that estimates how much a job injury permanently limits the kinds of work the injured employee can do. It is based on the employee's medical condition, date of injury, age when injured, occupation when injured, how much of the disability is caused by the employee's job, and his or her diminished future earning capacity. It determines the number of weeks that the injured employee is entitled to PD benefits.

The two charts on the next page depict DEU's workload. The first chart shows the written ratings produced each year by type between 2003 and 2009. The second chart illustrates the total number of written and oral ratings between 2003 and 2007. From 2008, statistics on Oral Ratings are not maintained.

²⁸ Data provided by Office of the Director legal staff (OD-Legal) on cases closed for fiscal years 2004-05 through 2008-09.

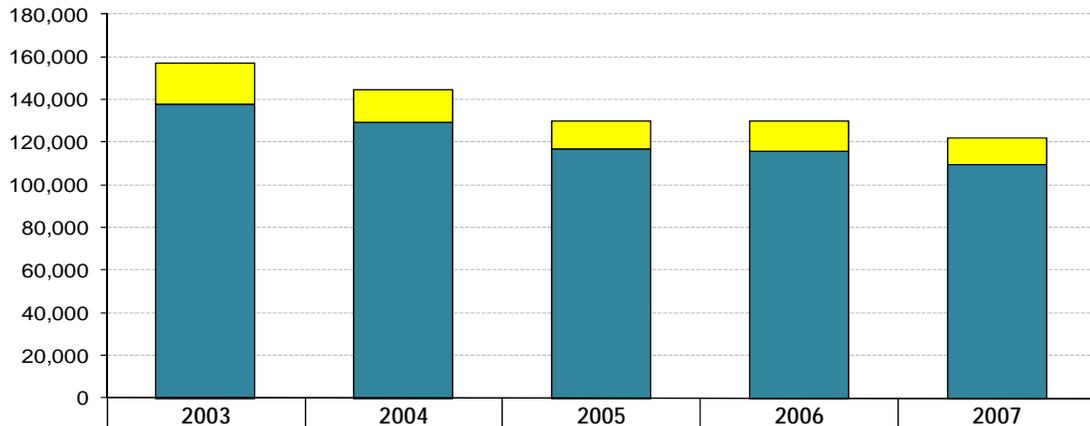
DEU Written Ratings 2003-2009



	2003	2004	2005	2006	2007	2008	2009
Formal Ratings	2,386	1,995	2,299	2,874	2,786	1,584	942
Summary - Treating Doctor	29,198	25,385	15,922	13,422	12,361	8,440	6,610
Summary - Panel QME	14,753	14,147	18,001	22,139	23,142	18,027	16,243
Consultative - Walk-In	34,369	36,563	30,553	31,181	24,528	16,383	11,065
Consultative - Other	57,367	51,442	50,275	46,210	46,530	34,607	23,682
Total Written Ratings	138,073	129,532	117,050	115,826	109,347	79,041	58,542

Data Source: DWC Disability Evaluation Unit

DEU Oral* and Written Ratings by Type 2003-2007



	2003	2004	2005	2006	2007
Oral Ratings	18,856	15,283	12,591	14,273	12,662
Written Ratings	138,073	129,532	117,050	115,826	109,347
Total Ratings	156,929	144,815	129,641	130,099	122,009

* From 2008, statistics on Oral Ratings are not maintained.

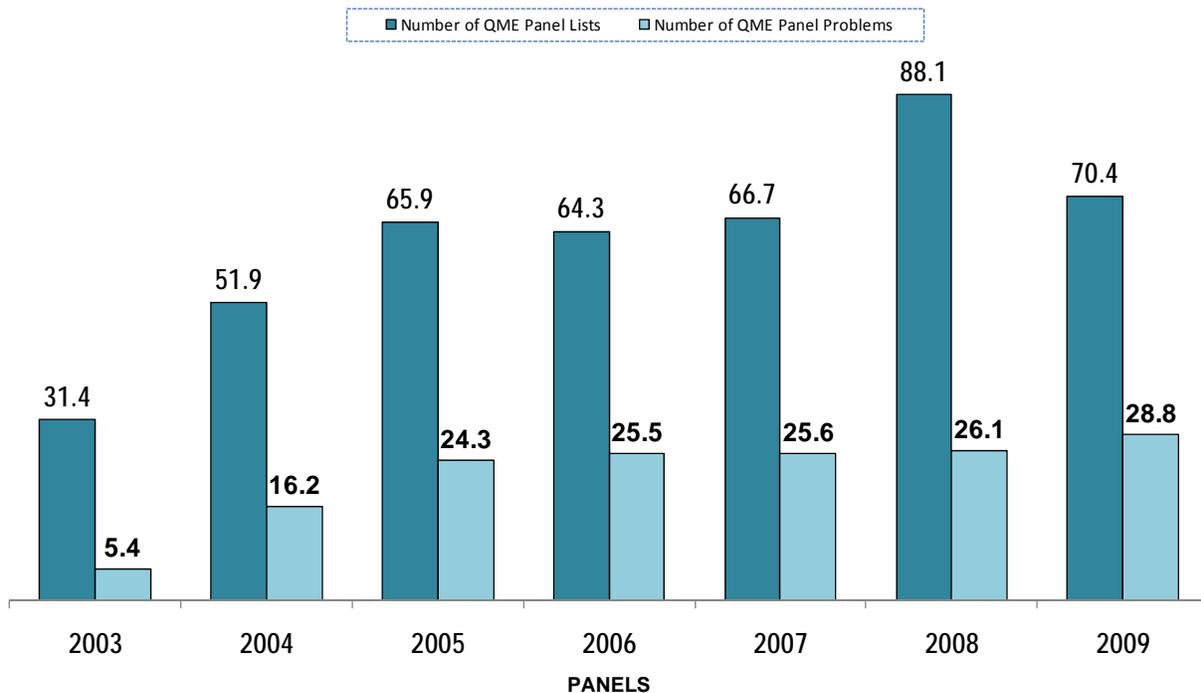
Source: DWC Disability Evaluation Unit

QUALIFIED MEDICAL EVALUATOR PANELS

DWC assigns panels composed of three Qualified Medical Evaluators (QMEs) from which an injured worker without an attorney selects the evaluator for a medical dispute. Beginning in 2005, a similar process became effective for cases where the worker has an attorney. This resulted in an increased number of QME panels. The changes contributed to a larger percentage of problems with the panel assignments.

The chart below indicates the number of QME Panel Lists issued each year and the number of problems with the original QME panel issued necessitating a replacement list. Some of the problems with panel assignment include parties not submitting documentation or submitting inadequate documentation, parties not being eligible for a QME panel, or DWC needing additional information in order to make a determination for panel eligibility.

Numbers of Qualified Medical Evaluator (QME) Panel Lists and Panel Problems (Thousand)



Data Source: DWC

MEDICAL PROVIDER NETWORKS AND HEALTH CARE ORGANIZATIONS²⁹

Medical Provider Networks

Background

In recent years, the California workers' compensation system has seen significant increases in medical costs. Between 1997 and 2003, workers' compensation medical treatment expenses in California increased by an estimated 138 percent,³⁰ outpacing the costs for equivalent medical treatment provided in non-industrial settings. To abate this rise in costs, major reforms were made in 2003 and 2004. One such effort was the signing into law of Senate Bill (SB) 899 in April of 2004. One major component of SB 899 was the option for self-insured employers or insurers to establish a medical provider network (MPN), as promulgated in Labor Code Section 4616 et. seq. MPNs were implemented beginning January 1, 2005.

An MPN is a network of providers established by an insurer, self-insured employer, Joint Powers Authority (JPA), the State, a group of self-insured employers, a self-insurer security fund, or California Insurance Guarantee Association (CIGA) to treat work-related injuries.

The establishment of an MPN gives significant medical control to employers. With the exception of employees who have a pre-designated physician, according to California Labor Code Section 4600, employers that have established an MPN control the medical treatment of employees injured at work for the life of the claim as opposed to 30 days of medical control that employers had prior to SB 899. Having an MPN means the employer has more control with regard to who is in the network and who the injured worker sees for care for the life of the claim. The employer gets to choose who the injured worker goes to on the first visit: after the first visit, the injured worker can go to a doctor of his/her choosing in the MPN.

Before the implementation of an MPN, insurers and employers are required to file an MPN application with the Division of Workers' Compensation (DWC) for review and approval, pursuant to Title 8 CCR § 9767.1 et. seq.

Application Review Process

California Labor Code Section 4616(b) mandates that DWC review and approve MPN plans submitted by employers or insurers within 60 days of plan submission. If DWC does not act on the plan within 60 days, the plan is deemed approved by default.

Upon receipt of an MPN application, DWC does an initial cursory review of all applications received. The result of the review is communicated to each applicant in a "complete" or "incomplete" letter, as applicable. Applicants with sections missing in their application will be asked to complete the missing part(s). Applicants with a complete application will receive a "complete" letter indicating the target date of when the full review of their application will be completed. The clock for the 60-day time frame within which DWC should act starts from the day a complete application is received at DWC.

The full review of an application involves a thorough scrutiny, using a standard checklist, to see if the application followed the statutory and regulatory requirements set forth in California Labor Code Section 4616 et. seq. and the California Code of Regulations sections 9767.1 et. seq. The full review culminates with an approval letter if no deficiency is discovered in the submitted application. Applicants with deficient applications are sent a disapproval letter listing deficiencies that need to be corrected.

²⁹ The information in this section was provided by the DWC Medical Unit, with minor edits by CHSWC staff.

³⁰ Based on the WCIRB annual report *California Workers' Compensation Losses and Expenses* prepared pursuant to § 11759.1 of the California Insurance Code.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Material modification filings go through a similar review process as an initial application. Except in cases where an applicant was approved under the emergency regulations and is now updating the application to the permanent regulations, reviews of material modifications are done only for those sections of the applications affected by the material change.

Applications Received and Approved

The Table below provides a summary of MPN program activities from the inception of the MPN program in November 1, 2004, to June 30, 2010. During this time, the MPN program received 1,660 MPN applications. Of these, 22 were ineligible as they were erroneously submitted by insured employers who under the MPN regulations are not eligible to set up an MPN. As of June 30, 2010, 1,519 applications were approved. Of these, 986 were approved under the emergency regulations and the remaining 533 under the permanent regulations. Seventeen (17) approved applications were revoked by DWC. The reason for revocation was the applicants' erroneous reporting of their status as self-insured when in fact they were insured entities. One hundred and twenty six (126) were withdrawn after approval and forty-six (46) were withdrawn before approval. The reasons for the withdrawals were either that the applicant decided not to pursue an MPN or there was a duplicate submission of the same application. Thirty two (32) were terminated after approval. The reason for the termination was that the applicants decided to stop using the MPN.

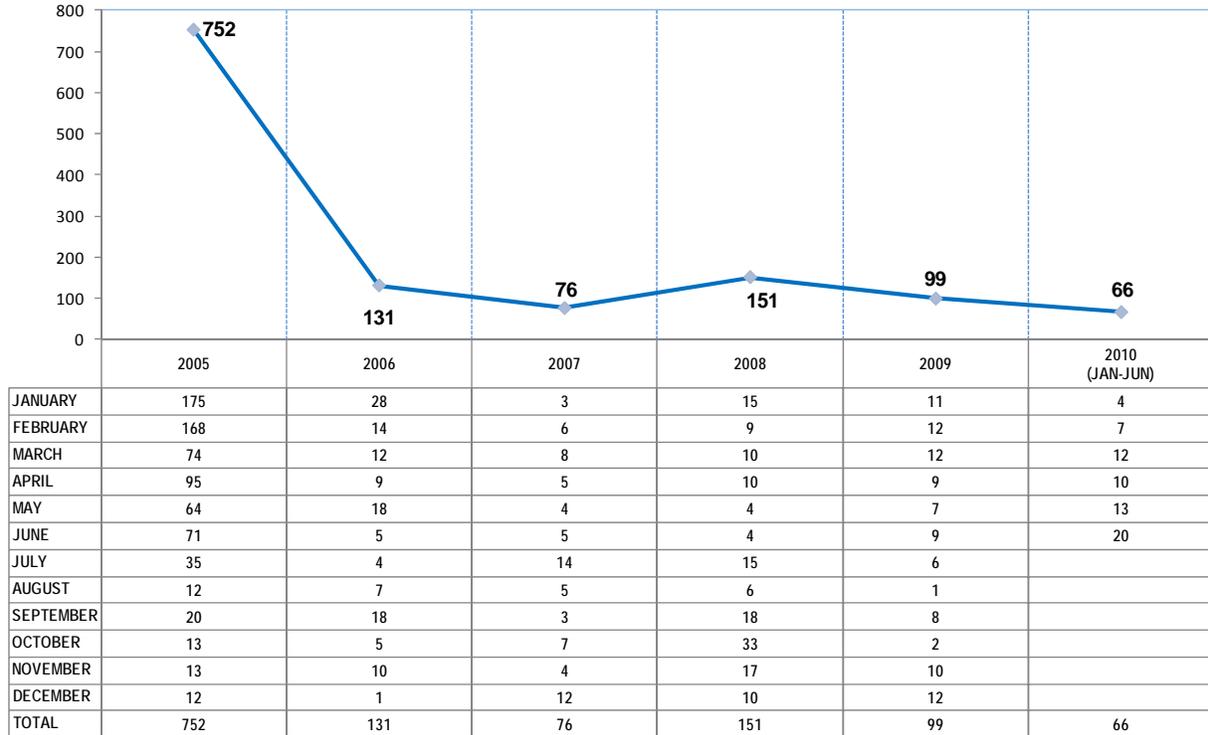
Table: MPN Program Activities from November 1, 2004, to June 30, 2010

MPN Applications	Numbers
Received	1660
Approved	1519
Material Modifications	1954
Withdrawn	172
Revoked	17
Ineligible	22
Terminated	32

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The chart below shows the time of receipt of MPN applications by month and year. The bulk of applications, 45.3 percent (752), were received in 2005. About 7.9 percent (131) were received in 2006, 4.6 percent (76) were received in 2007, 9.1 percent (151) were received in 2008, and 6.0 percent (99) were received in 2009.

Number of MPN Applications Received
by Month and Year of Receipt (Total = 1,660)

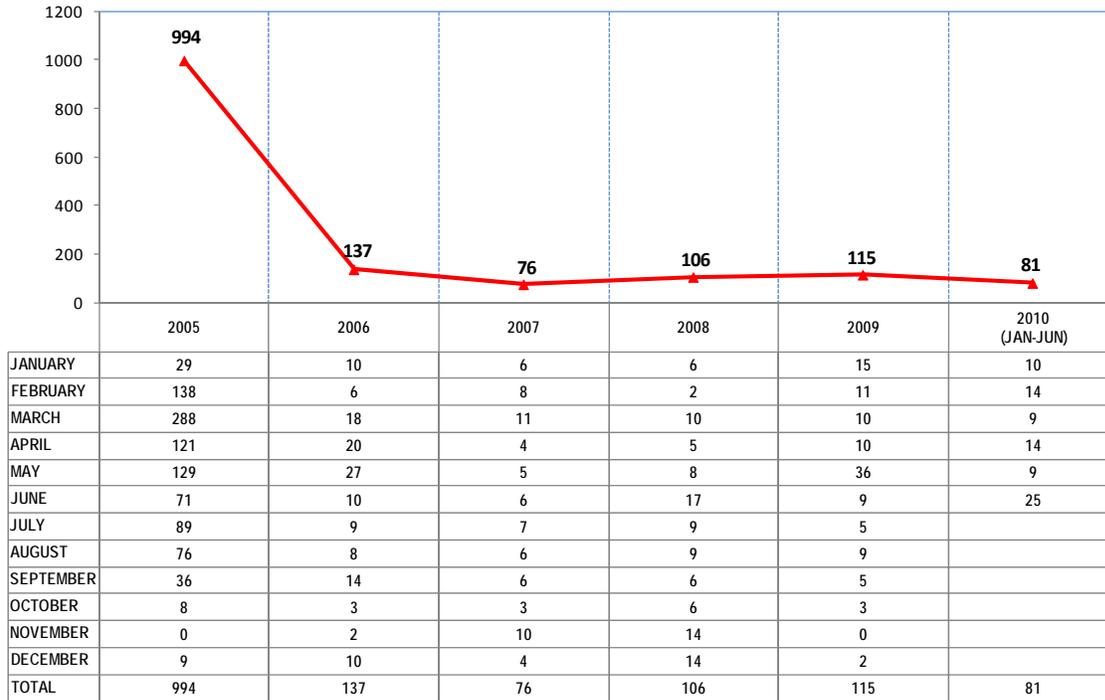


Data Source: DWC

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

The chart below shows that 65.9 percent (994) of MPN applications were approved in 2005, while only 9.0 percent (137) were approved in 2006, 5.0 percent (76) were approved in 2007, 7.0 percent (106) were approved in 2008, and 7.6 percent (115) were approved in 2009.

**Number of MPN Applications Approved
by Month and Year (Total = 1,509)**



Data Source: DWC

Material Modifications

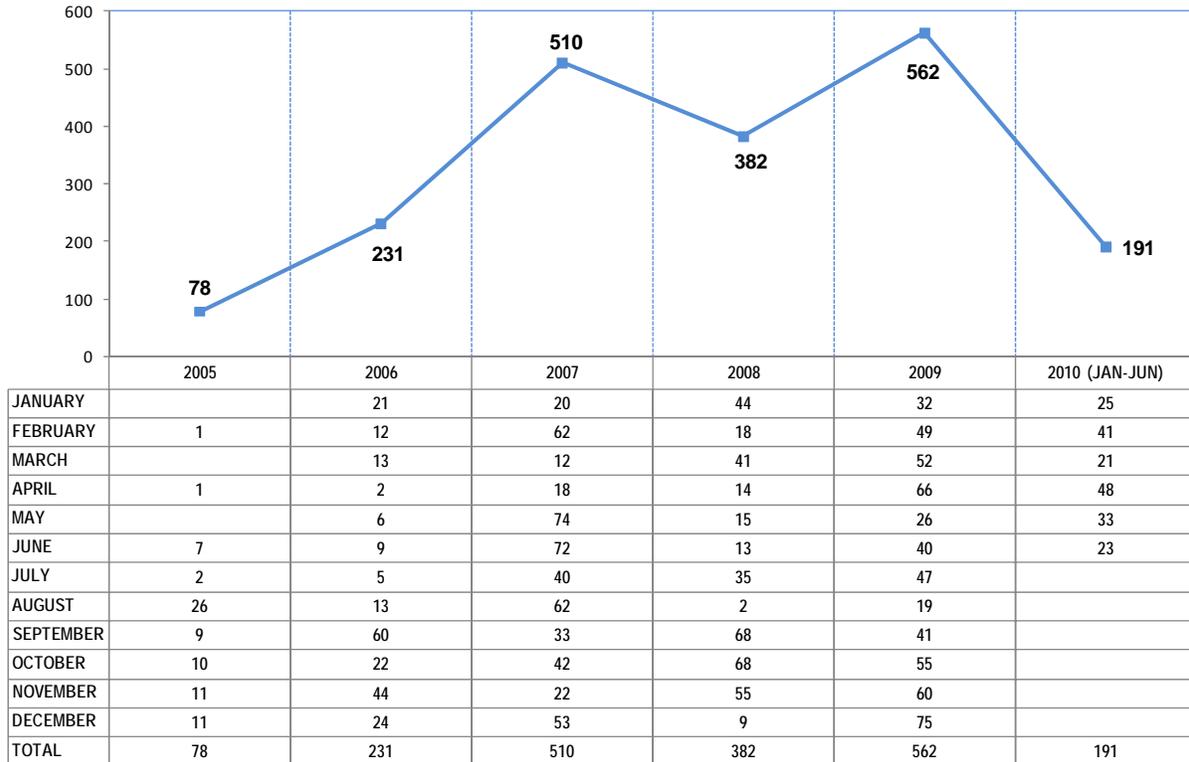
MPN applicants are required by Title 8 CCR §9767.8 to provide notice to DWC for any material change to their approved MPN application. In addition, MPN applicants approved under the emergency regulations must update their application to conform to the permanent MPN regulations when providing notice of material change to their approved application.

As of June 30, 2010, 808 applicants have filed 1,954 material modifications with DWC. Some applicants have filed more than one material modification. Three hundred and sixty-two (362) applicants have filed two material modification filings and 296 had three filings, while 1 had 27 filings.

The following chart shows how many material modification filings were received at DWC; 78 material modifications were filed in 2005, 231 in 2006, 510 in 2007, 382 in 2008, 562 in 2009, and 191 from January through June 2010.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Number of MPN Material Modifications Received by Month and Year (Total = 1,954)



Data Source: DWC

MPN Applicants

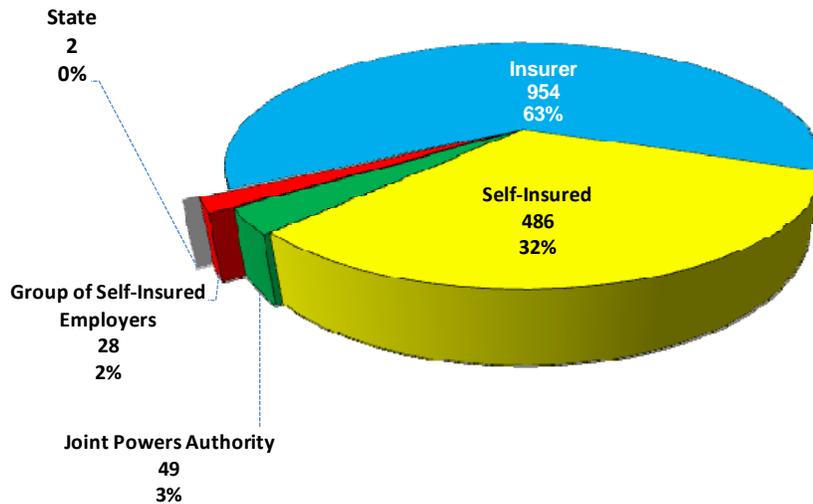
The table below shows the numbers of MPN applicants by type of applicant. The majority, 63 percent, of MPN applications were filed by insurers, followed by self-insured employers (32 percent) for the whole period from 2004 to 2010.

Table: Distribution of Approved MPN Applications by Type of Applicant (Total for all years = 1,519)

Type of Applicant	2004	2005	2006	2007	2008	2009	2010
Insurer	7	611	68	32	79	91	66
Self-Insured	3	346	55	37	22	16	7
Joint Powers Authority		33	4	4	3	2	3
Group of Self-Insured Employers		2	10	3	2	6	5
State		2					
Total	10	994	137	76	106	115	81

The chart below shows the distribution of MPN applicants by type.

Distribution of All Approved MPN Applications by Type of Applicant from 2004 to 2010 (Total = 1,519)



Data Source: DWC

HCO Networks

HCO networks are used by 664 (40.0 percent) of the approved MPNs. The distribution of MPNs by HCO is shown in the Table below. First Health HCO has 25.8 percent of the MPN market share followed by Corvel HCO, which has 7.4 percent, and Medex, which has 2.7 percent. There seems to be a decrease in the use of HCO networks for MPNs.

Table: Number of MPN Applicants Using HCO Networks

Name of HCO	Number	% Applications Received	% Applications Approved
CompAmerica (First Health)	429	25.8%	28.2%
Corvel	123	7.4%	8.1%
Medex	44	2.7%	2.9%
CompPartners	5	0.3%	0.3%
Net-Work	2	0.1%	0.1%
Intracorp	1	0.1%	0.1%
Promesa	1	0.1%	0.1%
Astrasano	3	0.2%	0.2%
Prudent Buyer (Blue Cross)	56	3.4%	3.7%
Total Using HCO	664	40.0%	43.7%

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

MPN applicants are allowed to have more than one MPN. As a result, 65.4 percent of applicants have more than one MPN, including 21.7 percent with 18 to 49 MPNs. (See Table, Distribution of Approved Applicants by Number of MPNs per Applicant, below.) The names of MPN applicants with 10 or more approved MPNs are shown in the Table (Names of MPN Applicants with 10 or More Approved MPNs). ACE American Insurance Company leads with 49 MPNs followed by Zurich American Insurance Company with 36 MPNs, and American Home Assurance Company with 35 MPNs.

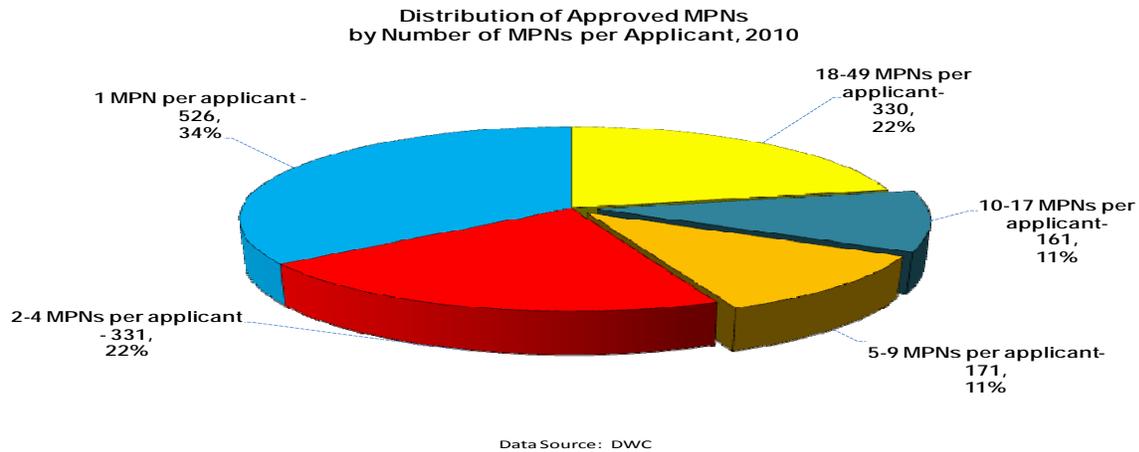


Table: Names of MPN Applicants with 10 or More Approved MPNs

Name of Applicant	Number of MPNs
ACE American Insurance Company	49
Zurich American Insurance Company	36
American Home Assurance Company	35
The Insurance Company of the State of Pennsylvania	29
Fidelity & Guaranty Insurance Company	28
National Union Fire Insurance Company of Pittsburgh, PA	26
Discover Property & Casualty Insurance Company	23
United States Fidelity and Guaranty Company	23
Fidelity & Guaranty Insurance Underwriters, Inc	22
Old Republic Insurance Company	22
New Hampshire Insurance Company	19
ARCH Insurance Company	18
Safety National Casualty Corporation	17
Commerce and Industry Insurance Company	17
American Zurich Insurance Company	16
XL Specialty Insurance Company	15
Hartford Insurance Company of the Midwest	15
Granite State Insurance Company	14
Chartis Property Casualty Company	14
Landmark Insurance Company	11
Continental Casualty Company (CNA)	11
American Guarantee & Liability Insurance Company	11
Hartford Accident & Indemnity Company	10
Greenwich Insurance Company	10

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Covered Employees

The number of MPN applicants reporting employees under their MPN has increased since the last report, as more and more MPN applicants are reporting the number of employees covered under the MPN, at the time of filing their material modification to update their MPN application to conform to the MPN permanent regulations. Currently, we have information on 79.2 percent (1038) of approved MPN applicants. The total estimated number of covered employees, as reported by these MPN applicants, is 37,846,849. DWC recommends that this number be used with caution, as it believes this number to possibly be inflated due to insurers' multiple counting of covered employees in their multiple MPN applications.

Employers/Insurers with MPN

Neither the number nor the name of insured employers using MPNs can be obtained from MPN applications. Insurers are not required to report who among their insured employers are using their MPN. The list of self-insured employers with a self-reported number of covered employees greater than 5,000 is shown below. This list includes some large self-insured companies such as Albertsons, AT&T, Intel, Safeway, Home Depot, Target Corporation, Raley's, and Lowe's.

MPN Complaints

The MPN program has set up a complaint logging and resolution system. Complaints are received by phone, fax, email and mail. Since January 2006, DWC has received 233 complaints. DWC has contacted the liaison of the MPNs and resolved and closed 210 of the complaints.

Status of the MPN Program

The MPN program is a new program that is growing and as such, the intake, application tracking and review process are works in progress. The program has improved over time but there is still room for improvement. Professional as well as clerical staff could benefit from more training on programs such as Excel and Access which could facilitate the intake logging process. In addition, scanning of copies of application documents could reduce the space that is currently being used by MPN applications. Currently, two hard copies of each application are kept by DWC.

During the past year, the main focus of the program has been to review and approve MPN material modifications and to process the change of MPN notice. However, more research on the MPN provider networks and the functioning of MPNs needs to be undertaken on the following: what percentage of the different networks overlap, i.e., which networks have the same doctors? what are the economic profiling policies of the different networks? which areas of the State are covered by MPNs and which areas lack providers? and which provider specialties are lacking?

DWC does not have any mechanism to monitor if approved MPNs are indeed functioning according to their approved application. However, a complaint-tracking system has been put in place, and so far, DWC has received 233 complaints. Most of the complaints were regarding insufficient provider listings given to the injured worker.

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

List of Self-Insured MPN Applicants with Covered Employees of 5,000 or More, June 2010

Name of Applicant	Name of MPN	Number of Covered employees
Regents of The University of California	Regents of The University of California MPN	189,925
Los Angeles Unified School District	Sedgwick CMS Extended Medical Provider Network	138,000
County of Los Angeles	CorVel HCO	94,000
California Farm Management-Self-Insured Group	WellComp Medical Provider Netowrk	81,351
Target Corporation	Target Medical Provider Network	75,300
California State Association of Counties - Excess Insurance Authority	EIA Medical Provider Network	74,882
Safeway, Inc.	Safeway Select MPN	60,000
Kelly Services, Inc	Kelly Services Medical Provider Network	58,500
San Diego/Imperial County Schools Joint Power Authority	Interplan through CompPartners	54,000
The Home Depot	The Home Depot Medical Provider Network	51,062
Target Corporation	Sedgwick CMS/Harbor Net-Target	50,000
San Diego County Schools JPACorVel	San Diego County Schools JPA MPN	42,000
K-Mart Corporation	Sedgwick CMS / Harbor Net - SHG	40,000
Macy's Inc.	Macy's Inc. Medical Provider Network	32,575
Self-Insured Schools of California	Self-Insured Schools of California/California Foundation for Medical Care Network	31,811
Pacific Bell Telephone Company	Sedgwick CMS Extended Medical Provider Network	31,500
Costco Wholesale	Costco MPN	31,000
Kaiser Foundation Hospitals, a California Corporation	Kaiser Permanente MPN	29,880
Auto Dealers Compensation of California, Inc.	Auto Dealers Compensation of California, Inc. Medical Provider Network	28,012
New Albertsons, Inc.(A SuperValu Company)	New Albertson's Inc. CA MPN	27,000
University of Southern California USC	Harbor MPN	26,634
Southern California Permanente Medical Group	Kaiser Permanente MPN	26,353
Kimco Staffing Services, Inc.	First Health CompAmerica Primary Network	26,000
Mainstay Business Solutions	WellComp Medical Provider Network	22,500
County of Orange	WellComp Medical Provider Network	22,000
County of Orange	Cambridge Orange County MPN	21,500
County of Orange	Intracorp	21,400
Pacific Gas and Electric Company	PG&E /Blue Cross Medical Provider Network	21,000
San Diego Unified School District	WellComp Medical Provider Network	20,762

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Name of Applicant	Name of MPN	Number of Covered employees
Marriott International, Inc.	Marriott's Medical Provider Network	20,511
Manpower Inc.	Concentra MPN	20,320
Santa Clara County Schools Insurance Groups	PRIME Plus Medical Network	20,198
The County of Riverside	First Health Comp America Select	20,173
Walt Disney World Co (The Disneyland Resort Division)	Disneyland Resort Medical Provider Network	20,000
Sun Microsystems, Inc. (Sun)	First Health Network	20,000
City and County of San Francisco	City and County of San Francisco Medical Provider Network	20,000
California Farm Management Self-Insured Group	N/A	20,000
San Diego Unified School District	TRISTAR - CompAmerica Primary HCO	20,000
Schools Insurance Group	SIG MPN	19,600
Ventura County Schools Self-Funding Authority	WellComp Medical Provider Network	19,566
Manpower, Inc.	Sedgwick CMS MPN	19,000
Securitas Security Services USA, Inc.	Sedgwick CMS Extended MPN	19,000
County of Riverside	CorVel MPN/County of Riverside	19,000
Viacom International Services, Inc.	First Health Comp America HCO Select Network	18,913
Healthcare Industry Self-Insured Program	CorVel/Healthcare Industry Self-Insured Program	18,500
Countrywide Financial Corporation	Countrywide Network	18,000
Nordstrom Inc.	Nordstrom Medical Provider Network	17,000
Securitas Security Services USA, Inc.	Securitas Broadspire SNP	16,890
Hewlett Packard Company	Sedgwick CMS Extended Medical Provider Network	16,500
Victory Comp, Inc.	TRISTAR Specialty MPN	16,000
COP/CPB of the Church of Jesus Christ of the Latter-day Saints	Deseret MPN	16,000
Alameda County Schools Insurance Group	ACSIG/AccessMedical Provider Network	16,000
Cornerstone Comp, Inc.	TRISTAR Specialty MPN	16,000
Guardian Comp, Inc.	TRISTAR Specialty MPN	16,000
Quality Comp, Inc.,	TRISTAR Specialty MPN	16,000
Elite Golf Club Program, Inc.	TRISTAR Specialty MPN	16,000
American Building Maintenance (ABM)	ABM Network	15,800
Southern California Edison	SCE Select	15,514
Lowe's HIW, Inc.	Lowe's CA MPN	15,136
Federal Express Corporation	Intracorp	14,878
Schools Linked For Insurance Management (SLIM)	Prime Advantage Medical Network a	14,217
County of San Bernardino	CorVel MPN	14,000
The Walt Disney Company	The Liberty Mutual Group MPN	13,924
Alliance of Schools for Cooperative Insurance Programs	WellComp Medical Provider Network	13,764

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Name of Applicant	Name of MPN	Number of Covered employees
Central Region School Insurance Group	WellComp Medical Provider Network	13,679
Riverside Schools Risk Management Authority	Prime Advantage Medical Network	13,610
Raley's	Raley's Quality Medical Provider Network	13,500
Lockheed Martin Corporation	INTRACORP/Lockheed Martin MPN	13,400
Intel Corporation	Broadspire MPN	13,223
Alameda County Schools Insurance Group	PRIME Plus Medical Provider Network	13,048
Central Region Schools Insurance Group	CRSIG MPN	12,500
North Bay Schools Insurance Authority	Tri-County MPN	12,000
Barrett Business Services, Inc.	BBSI/CorVel MPN	12,000
AT&T	Sedgwick CMS Extended Medical Provider Network	11,500
California Contractors Network-Self-Insured Group	WellComp Medical Provider Network	11,260
Dole Food Company, Inc.	First Health CompAmerica Select HCO Network (or "First Health Select")	10,980
Memorial Health Services	TRISTAR CompAmerica Primary HCO	10,827
County of Kern	County of Kern Medical Provider Network	10,800
Saugus Union School District	Prime Advantage Medical Network	10,707
Tulare County Schools Insurance Group Workers Compensation JPA	Prime Advantage Medical Network	10,707
Tenet Healthcare Corporation	First Health CompAmerica Primary HCO Network (or "First Health Primary")	10,642
North Valley Schools Insurance Group	Prime Advantage Medical Network	10,246
Healthcare Industry Self-Insurance Program	Medex	10,000
99¢ Only Stores	Sedgwick CMS Extend MPN	10,000
Monterey County Schools Workers' Compensation Joint Powers Authority	Monterey County Schools MPN	10,000
Foster Farms	CorVel Custom MPN	10,000
LFP, Inc. and Affiliates	CorVel MPN	10,000
Park and Recreation District Employee Compensation	PARDEC MPN	10,000
99¢ Only Stores	WellComp Medical Provider Network	9,976
Circuit City Stores, Inc.	Sedgwick CMS Extended Medical Provider	9,775
San Francisco Unified School District	First Health CompAmerica Primary HCO	9,500
United Airlines	CorVel/UAL/Kaiser MPN	9,500
Foster Poultry Farms	Foster Farms Custom CorVel MPN	9,200
Preferred Auto Dealers Self-Insurance Program	Medex	9,000

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

Name of Applicant	Name of MPN	Number of Covered employees
Smart & Final, Inc.	Sedgwick CMS Extended Medical Provider Network	9,000
San Mateo County Schools Insurance Group	Prime Advantage Medical Network	8,557
California Contractors Network Self-Insured Group	California Contractors Network (CCN)	8,500
California Livestock Producers, Inc. Self-Insured Group	N/A	8,500
BCI Coca-Cola Bottling Company of Los Angeles (Coca-Cola Enterprises, Inc.)	Sedgwick CMS Medical Provider Network	8,500
Alameda County	First Health CompAmerica Primary Network	8,494
Kaiser Foundation Health Plan, Inc. A California Corporation	Kaiser Permanente MPN	8,448
Shasta-Trinity Schools Insurance Group JPA	Shasta-Trinity Schools Insurance Group JPA MPN	8,000
Save Mart Supermarkets, Inc.	The Status MPN-Save Mart	8,000
Fresno County Self-Insurance Group	TRISTAR - CompAmerica Primary HCO	7,817
North Orange County Self-funded Workers' Compensation Agency	Prime Advantage Medical Network	7,571
The County of Fresno	The County of Fresno MPN	7,500
BLP Schools' Self-Insurance Authority	WellComp Medical Provider Network	7,132
Whittier Area Schools Insurance Authority	WellComp Medical Provider Network	6,850
MERGE Risk Management JPA	WellComp Medical Provider Network	6,778
San Joaquin County Schools WC Ins. Group JPA	PRIME Plus Medical Provider Network	6,768
Valley Insurance Program	WellComp Medical Provider Network	6,763
Santa Ana Unified School District	WellComp Medical Provider Network	6,677
City of Long Beach	TRISTAR CompAmerica Primary HCO	6,674
Special District Risk Management Authority	WellComp Medical Provider Network	6,500
Providence Health System	Intracorp/Providence Medical Provider Network	6,500
Los Angeles County Office of Education	Los Angeles County Office of Education - Comp Care MPN	5,857
City of Glendale	City of Glendale/Concentra	5,641
New United Motor Manufacturers, Inc.	NUMMI MPN	5,536
Northern California Cities Self-Insurance Fund	NCCSIF MPN	5,500
Orange Unified School District	WellComp Medical Provider Network	5,449
The Salvation Army	Red Shield	5,440
Oakland Unified School District	Oakland Unified School District MPN	5,217
San Mateo County	San Mateo County MPN	5,200
San Jose Unified School District	First Health CompAmerica Primary HCO	5,141
County of Monterey	Liberty Mutual Group MPN	5,046

Health Care Organization Program

Health Care Organizations (HCOs) were created by the 1993 workers' compensation reforms. The statutes for HCOs are given in California Labor Code Sections 4600.3 through 4600.7 and Title 8 California Code of Regulations (CCR) sections 9770 through 9779.3.

HCOs are managed care organizations established to provide health care to employees injured at work. A health care service plan (HMO), disability insurer, workers' compensation insurer, or a workers' compensation third-party administrator can be certified as an HCO.

Employers who contract with an HCO can direct treatment of injured workers from 90 to 180 days depending on the contribution of the employer to the employees' non-occupational health care coverage.

An HCO must file an application and be certified according to Labor Code Section 4600.3 et seq. and Title 8 CCR sections 9770 et seq. HCOs pay a fee of \$2,500 at the time of initial certification and a fee of \$1,000 at the time of each three-year certification. In addition, annually, HCOs are required to pay an annual assessment of \$250, \$300 or \$500 based on their enrollment figure as of December 31 of each year. The HCO loan from the General Fund has been paid off in full.

DWC has revised regulations to reduce the certification application fee and recertification fee and to remove redundant data collection requirements of HCOs. A public hearing was held on Title 8 CCR Sections 9771, 9778, 9779, 9779.5, and 9779.9 in July 2009. The revised regulations were effective January 1, 2010.

Currently, the HCO program has 9 certified HCOs. The names of certified HCOs and their most recent date of certification/recertification are given in the table below. Even though there are 9 certified HCOs, only 6 have enrollees. The rest are keeping their certification and use their provider network as a deemed entity for MPNs.

Table 1: List of Currently Certified HCOs by Date of Certification/Recertification

Name of HCO	Date of Certification/Recertification
CompPartners	07/24/2008
Corvel Corporation	12/30/2008
First Health/ CompAmerica Primary	10/05/2007
First Health/ CompAmerica Select	10/05/2007
Kaiser On The Job HCO	12/03/2006
MedEx Health Care	03/16/2007
MedEx 2 Health Care	10/10/2006
Network HCO	04/16/2007
Promesa Inc. HCO	04/12/2007

HCO Enrollment

At its maximum, mid-2004, the HCO enrollment had reached about half a million enrollees. However, with the enactment of the MPN laws, the enrollment for large HCOs, such as First Health and Corvel, declined considerably. Compared to the 2004 enrollment, First Health lost 100 percent of its enrollees while CorVel's declined by 96.6 percent to 3,384. As of June 2010, the total enrollment figure had fallen by 73.9 percent from the 2004 number of 481,337 to 125,335. Table 2 shows the number of enrollees as of December 31 of each year 2004 through 2009 and as of June 30, 2010.

Table 2: List of HCOs by Number of Enrollees for 2004 Through June 2010

Name of HCO	Year						
	Dec-04	Dec-05	Dec-06	Dec-07	Dec-08	Dec-09	Jun-10
CompPartners	60,935	61,403	53,279	13,210	1,765	1,729	0
CorVel/ Corvel Select	100,080	20,403	3,719	3,050	3,384	1,983	0
CompAmerica Primary/ Select (First Health)	218,919	2,403	0	0	0	0	0
Intracorp	6,329	3,186	2,976	2,870	0	0	0
Kaiser	30,086	67,147	66,138	69,602	77,567	72,469	72,443
Medex/ Medex 2	62,154	66,304	46,085	69,410	69,783	33,945	35,317
Net Work HCO	1,204	0	0	0	0	0	0
Promesa	na	na	na	na	21,197	16,467	17,575
Prudent Buyer (Blue Cross)	1,390	0	0	0	0	0	0
Sierra	240	0	0	0	0	0	0
TOTAL	481,337	220,846	172,197	158,142	173,696	126,593	125,335

Health Care Organization Program Status

Even though HCO enrollment has decreased significantly, because HCOs use their network as deemed entities for MPNs, DWC still has the mandate to ensure that all HCO documentation is up to date and all fees are collected. In 2009 and 2010, the HCO staff work load includes a review of seven recertification filings.

Proposed Regulatory Changes

HCOs are required to file a data report annually according to Labor Code Section 4600.5(d)(3) and Title 8 CCR section 9778. However, since the Workers' Compensation Information System (WCIS) now requires reporting of medical services provided on or after 9/22/2006, as mandated by Title 8 CCR section 9700 et seq., HCO data collection on the same subject is redundant. DWC revised its regulations to eliminate duplicative HCO reporting requirements. Effective January 1, 2010, information collected by WCIS will not be required to be resubmitted to DWC by HCOs.

Pre-designation laws for HCOs in Labor Code Section 4600.3 should be in accord with the pre-designation for MPNs as stated in Labor Code Section 4600.

Pre-Designation Under Health Care Organization versus Medical Provider Networks

An employee's right of pre-designation under an HCO has become different from the right under an MPN. The general right of pre-designation under Labor Code Section 4600 as it existed in 1993 was mirrored in Section 4600.3 for HCOs. Eligibility to pre-designate was subsequently restricted by the 2004 amendments of Section 4600. The provisions of the HCO statutes were not amended to conform, so employees who would not otherwise be eligible to pre-designate a personal physician may become eligible if their employers adopt an HCO. An HCO may lose medical control more frequently than an MPN due to this lack of conformity in the statute.

For further information ...

www.dir.ca.gov/dwc and http://www.dir.ca.gov/dwc/MPN/DWC_MPN_Main.html

ADJUDICATION SIMPLIFICATION EFFORTS

Carve-outs: Alternative Workers' Compensation Systems

A provision of the workers' compensation reform legislation in 1993, implemented through Labor Code Section 3201.5, allowed construction contractors and unions, via the collective bargaining process, to establish alternative workers' compensation programs, also known as carve-outs.

CHSWC is monitoring the carve-out program, which is administered by the DWC.

CHSWC Study of Carve-Outs

CHSWC engaged in a study to identify the various methods of alternative dispute resolution (ADR) that are being employed in California carve-outs and to begin the process of assessing their efficiency, effectiveness and compliance with legal requirements.

Since carve-out programs have operated only since the mid-1990s, the data collected are preliminary. The study team found indications that: the most optimistic predictions about the effects of carve-outs on increased safety, lower dispute rates, far lower dispute costs, and significantly more rapid return to work (RTW) have not occurred; and that the most pessimistic predictions about the effect of carve-outs on reduced benefits and access to representation have not occurred.

For further information ...

How to Create a Workers' Compensation Carve-out in California: Practical Advice for Unions and Employers, CHSWC (2006).

<http://www.dir.ca.gov/CHSWC/carve-out1.pdf>

Impact of Senate Bill 228

Senate Bill (SB) 228 adds Labor Code Section 3201.7, establishing the creation of a new carve-out program for any unionized industry that meets the requirements. This is in addition to the existing carve-out in the construction industry (already covered in current law by Labor Code Section 3201.5).

Only the union may initiate the carve-out process by petitioning the Administrative Director (AD). The AD will review the petition according to the statutory requirements and issue a letter allowing each employer and labor representative a one-year window for negotiations. The parties may jointly request a one-year extension to negotiate the labor-management agreement.

In order to be considered, the carve-out must meet several requirements including:

- The union has petitioned the AD as the first step in the process.
- A labor-management agreement has been negotiated separate and apart from any collective bargaining agreement covering affected employees.
- The labor-management agreement has been negotiated in accordance with the authorization of the AD between an employer or groups of employers and a union that is recognized or certified as the exclusive bargaining representative that establishes any of the following:
 - An ADR system governing disputes between employees and employers or their insurers that supplements or replaces all or part of those dispute resolution processes contained in this division, including, but not limited to, mediation and arbitration. Any system of arbitration shall provide that the decision of the arbiter or board of arbitration is subject to review by the Appeals Board in the same manner as provided for reconsideration of a final order, decision, or award made and filed by a workers' compensation administrative law judge.
 - The use of an agreed list of providers of medical treatment that may be the exclusive source of all medical treatment provided under this division.

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- The use of an agreed, limited list of Qualified Medical Evaluators (QMEs) and Agreed Medical Evaluators (AMEs) that may be the exclusive source of QMEs and AMEs under this division.
- A joint labor-management safety committee.
- A light-duty, modified job or return-to-work program.
- A vocational rehabilitation or retraining program utilizing an agreed list of providers of rehabilitation services that may be the exclusive source of providers of rehabilitation services under this division.
- The minimum annual employer premium for the carve-out program for employers with 50 employees or more is \$50,000, and the minimum group premium is \$500,000.
- Any agreement must include right of counsel throughout the ADR process.

Impact of Senate Bill 899

Construction industry carve-outs were amended per Labor Code Section 3201.5 and carve-outs in other industries were amended per Labor Code Section 3201.7 to permit the parties to negotiate any aspect of the delivery of medical benefits and the delivery of disability compensation to employees of the employer or group of employers who are eligible for group health benefits and non-occupational disability benefits through their employer.

Recognizing that many cities and counties, as well as private industries, are interested in knowing more about carve-outs and about health and safety training and education within a carve-out, CHSWC hosted a conference devoted to carve-outs/alternative dispute resolution on August 2, 2007, in Emeryville, California. The conference was for all stakeholders in the workers' compensation system including: those in existing carve-outs; those considering establishing a carve-out; unions and employers; risk managers; government agencies; third-party administrators; insurers; policymakers; attorneys; and health care providers.

The conference provided an opportunity for the health and safety and workers' compensation communities and the public to share ideas for establishing carve-outs which have the potential to: improve safety programs and reduce injury and illness claims; achieve cost savings for employers; provide effective medical delivery and improved quality of medical care; improve collaboration between unions and employers; and increase the satisfaction of all parties.

Carve-Out Participation

As shown in the following table, participation in the carve-out program has grown overall from 1996 to 2009, with significant increases in the number of employees, work hours, and amount of payroll, excluding a 31 percent decrease in the number of participating employers from 2008 to 2009.

Table: Participation in Carve-Out Program

Carve Out Participation	1996	1997	1998	1999	2000*	2001*	2002	2003*	2004*	2005*	2006	2007	2008	2009
Employers	277	550	683	442	260	143	512	316	462	739	981	1,087	1,274	876
Work Hours (in millions)	11.6	10.4	18.5	24.8	16.9	7.9	29.4	22.9	25.4	24.5	49.4	56.1	76.5	99.2
Employees (full-time equivalent)	5,822	5,186	9,250	12,395	8,448	3,949	14,691	11,449	12,700	12,254	24,680	28,028	38,269	49,618
Payroll (in million \$)	272	243	415	585	443	202	634	624	1,200	966	1,348	1,777	2,300	3,394

* Please note that data are incomplete

Source: DWC

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Aggregate Data Analysis of Carve-out Programs

Due to a lack of available historical data and a discrepancy between the reporting requirements of Labor Code Section 3201.9 and the data collection requirements of CCR section 10203, the earliest data presented here are from 2004 forward. All data presented in this part on carve-outs are total figures for both construction and non-construction programs.

Person hours and payroll covered by agreements filed

Carve-out programs reported that for the 2008 calendar year, they covered 76.5 million work hours and \$2.3 billion in payroll.

For the 2009 calendar year, carve-out programs reported that they covered 99.2 million work hours and \$3.4 billion in payroll.

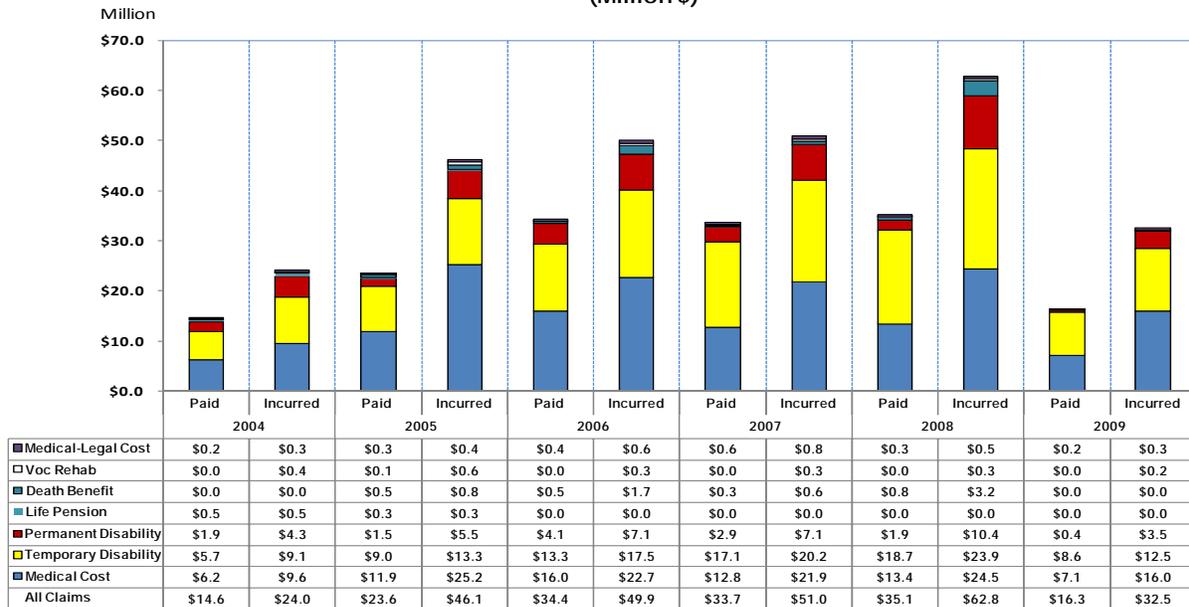
Number of claims filed

During 2009, there were a total of 3,282 claims filed, of which 1,554 (47 percent) claims were medical-only claims, and 1,728 (53 percent) were indemnity claims.

Paid, incurred and average cost per claim

The chart below shows projected paid and incurred costs for all claims combined by types of benefits. The total paid costs for claims filed in 2009 decreased almost 54 percent compared to 2008, while the total incurred costs decreased 48 percent from 2008.

Carve-Out Programs: Paid and Incurred Costs by Type of Benefits, 2004-2009
(Million \$)



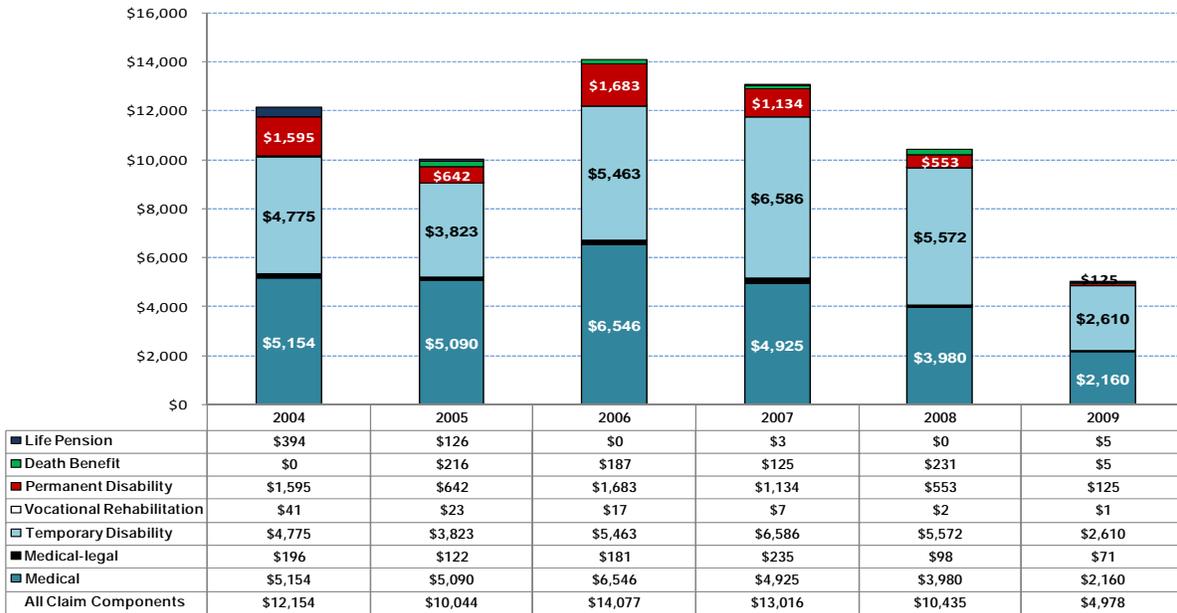
Data Source: DWC, WCIRB

According to the chart above, the actual costs for claims filed in 2009 totaled \$16,339,173, while the incurred costs totaled \$32,545,150. The largest share of costs is attributable to payment of medical and temporary disability benefits. These benefits accounted for 43 percent and 52 percent of total actual costs, and 49 percent and 38 percent of total incurred costs, respectively.

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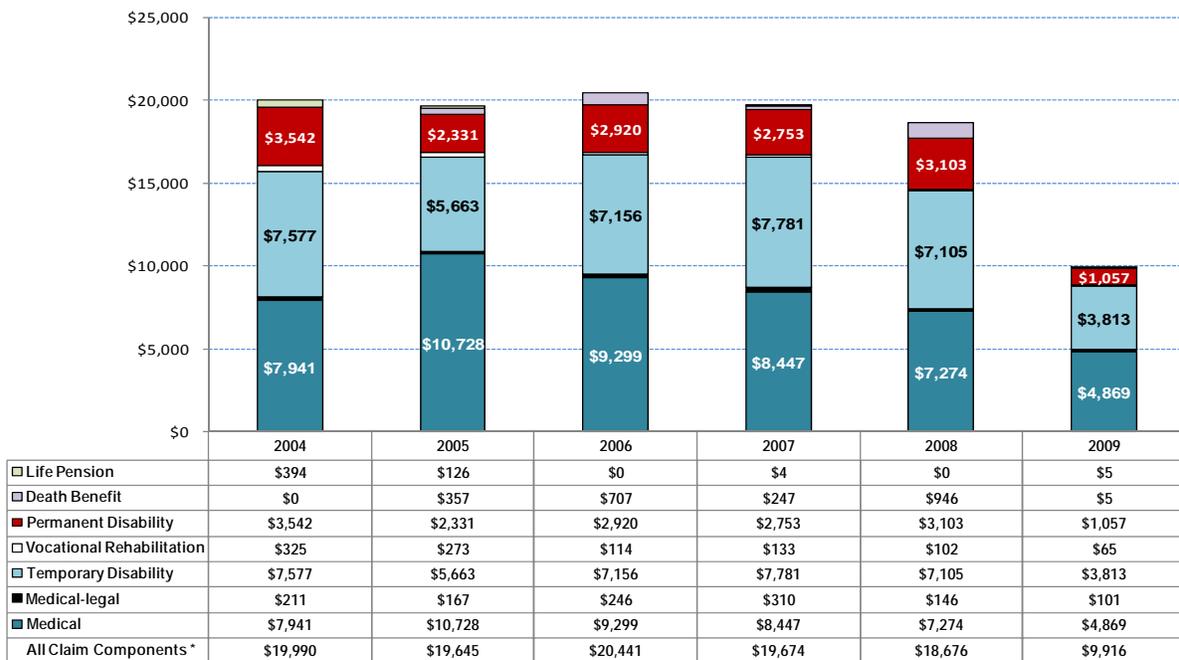
The following two charts show the average paid and incurred costs per claim by cost components across all claims from 2004 to 2009. The average paid cost for all components per claim decreased overall by 59 percent between 2004 and 2009, while the average incurred cost for all components per claim decreased overall by 50 percent from 2004 to 2009.

Average Paid Cost per Claim by Cost Components, 2004 - 2009



Data Source: DWC, WCIRB

Average Incurred Cost per Claim by Cost Components, 2004 - 2009



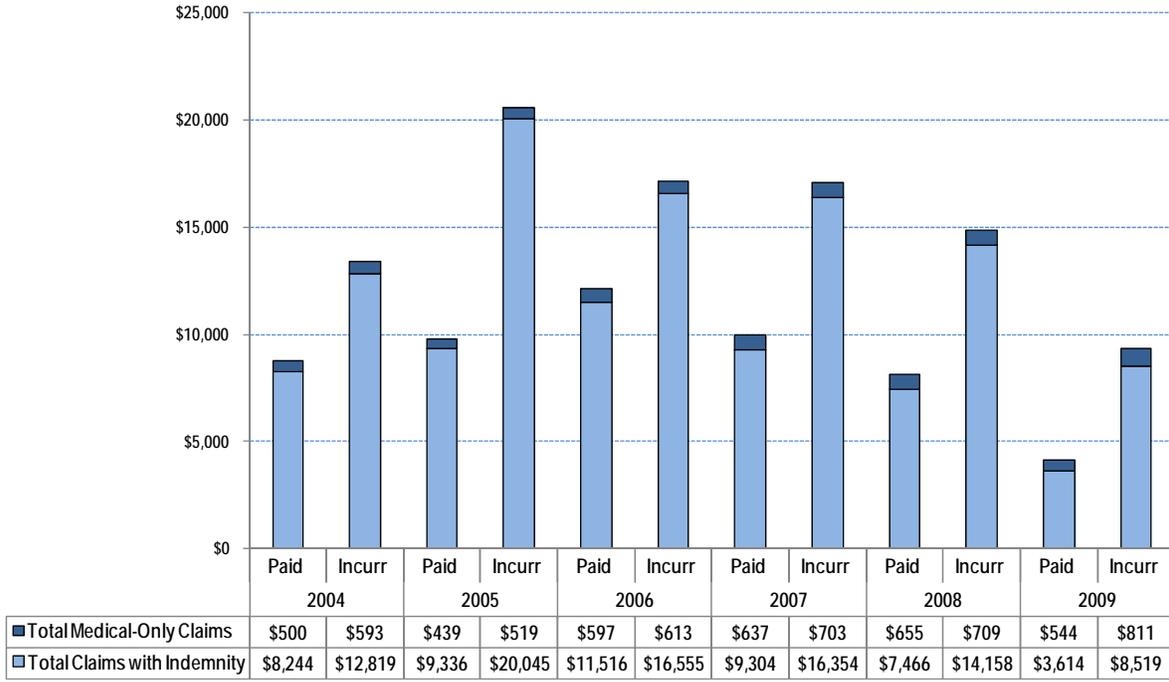
* With regard to average incurred costs for all claim components, only carve-outs reporting data on every cost component are included in computing the average.

Data Source: DWC, WCIRB

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In contrast, the following chart shows the cost by the type of claims filed from 2004 to 2009.

Average Paid and Incurred Cost by Claim Type, 2004 - 2009



Cost Per Claim

Data Source: DWC, WCIRB

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Number of disputed claims

Three tables below show the numbers and distribution of claims disputed and resolved by stage of dispute resolution process in total claims in carve-outs for years 2004 through 2009. Among the subset of carve-outs with acceptable data reporting, the percentage of claims that were disputed varied from 45 percent in 2004 to almost 90 percent in 2009. As the second table below shows, most disputed claims filed from 2004 to 2009 had been resolved before the first stage of dispute resolution – mediation. Since 2004, these programs reported that 0.1 percent to 0.5 percent of disputed claims have been heard by the Workers' Compensation Appeals Board (WCAB) or the Court of Appeals.

Table: Total Disputed Carve-Out Claims in Programs Reporting

	2004	2005	2006	2007	2008	2009
Number of Programs Reporting	13	16	20	20	23	23
Total Number of Claims	1,203	2,345	2,443	2,591	3,364	3,282
Total Number of Disputed Claims	542	983	2,064	2,047	2,778	2,943
Percentage of Disputed Claims in Total	45.1%	41.9%	84.5%	79.0%	82.6%	89.7%

Data Source: DWC

Table: Number of Disputed Claims by Type of Resolution

	2004	2005	2006	2007	2008	2009
Before Mediation	510	941	1,960	1,949	2,640	2,867
At Mediation	20	29	71	71	118	59
At Arbitration	7	6	26	15	19	12
At WCAB	5	5	7	12	1	5
At Court of Appeals	0	2	0	0	0	0
Total Disputed Claims	542	983	2,064	2,047	2,778	2,943

Data Source: DWC

Table: Distribution of Disputed Claims by Type of Resolution in Total Claims

	2004	2005	2006	2007	2008	2009
Before Mediation	42.4%	40.1%	80.2%	75.2%	78.5%	87.4%
At Mediation	1.7%	1.2%	2.9%	2.7%	3.5%	1.8%
At Arbitration	0.6%	0.3%	1.1%	0.6%	0.6%	0.4%
At WCAB	0.4%	0.2%	0.3%	0.5%	0.0%	0.2%
At Court of Appeals	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%
Total for Disputed Claims	45.1%	41.9%	84.5%	79.0%	82.6%	89.7%

Data Source: DWC

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Number of claims resolved prior to arbitration

In 2009, among the subset of carve-outs with acceptable data reporting, 2,926 claims were resolved³¹ prior to arbitration, which was 99 percent of all claims filed. Construction programs resolved 99 percent, and non-construction programs resolved 100 percent of claims prior to arbitration in 2009.

Table: Number of Claims Resolved Prior to Arbitration

	2004	2005	2006	2007	2008	2009
Number of Programs Reporting	13	16	20	20	23	23
Number of Claims resolved prior to Arbitration LC Section (b) (11)	530	970	2,031	2,020	2,758	2,926
Resolved LC Section (b) (11)	542	983	2,064	2,047	2,778	2,943
Percentage Resolved Prior to Arbitration	97.8%	98.7%	98.4%	98.7%	99.3%	99.4%

Data Source: DWC

Safety history

Both the number of injuries reported on OSHA Form 300³² and the share of such reported incidents in all claims filed were increasing from 2004 to 2009. In 2009, carve-out programs filed 2,694 incidents with the U.S. Department of Labor using OSHA Form Number 300. OSHA requires employers to file an injury and/or illness with Form Number 300 if a work-related injury results in death, loss of consciousness, days away from work, restricted work activity, and/or medical care beyond first aid. There was a 70 percent increase in number of injuries reported on OSHA Form Number 300 from 2008 to 2009.

Table: Number of Injuries Filed Using OSHA Form 300

	2004	2005	2006	2007	2008	2009
Number of Injuries Filed on OSHA Form 300	0	3	825	879	1,587	2,694
Total Number of Claims	1,203	2,345	2,443	2,591	3,364	3,282
Percent of OSHA Forms	0%	0.1%	34%	34%	47%	82%

Data Source: DWC

The number of workers participating in vocational rehabilitation programs

The ADR/carve-out system for 2009 reported 10 workers participating in a vocational rehabilitation program. From 2004 to 2009, the number of employees taking part in a vocational rehabilitation program was never more than 10.

Table: Number of Workers in a Vocational Rehabilitation Program

	2004	2005	2006	2007	2008	2009
Number of Programs Reporting³³	13	16	20	20	23	23
Number of Workers	5	6	10	5	6	10

Data Source: DWC

³¹ A resolved claim is defined in section 10203(b)(9) as one in which ultimate liability has been determined, even though payments for the claim may be made beyond the reporting period.

³² OSHA requires employers to file an injury and/or illness Form 300 if work-related injuries result in death, a loss of consciousness, days away from work, restricted work activity, and/or medical care beyond first aid.

³³ Excludes programs reporting vocational rehabilitation costs but not vocational rehabilitation program participants.

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The number of workers participating in light-duty or modified return-to-work programs

From 2004 to 2009, the number of workers participating in a light-duty program has grown from 2 to 881 participants. In 2009, there was a 281 percent increase from 2008 and 503 percent increase from 2007 in the number of workers participating in light-duty or modified work programs. For 2009, 3.7 claims were filed for every one worker participating in light-duty or modified work, down from ratios of 14.6 to 1 in 2008 and 17.8 to 1 in 2007.

Table: Number of Workers Participating in Light-Duty or Modified Return-to-Work Programs

	2004	2005	2006	2007	2008	2009
Total Claims Filed	1,203	2,345	2,443	2,591	3,364	3,282
Number of Workers	2	61	265	146	231	881
Ratio of Claims Filed to Light-Duty or Modified Work Participants	601.5	38.4	9.2	17.8	14.6	3.7

Data Source: DWC

Worker satisfaction

Labor Code Section 3201.7 also requires non-construction ADR/carve-out programs to include information on worker satisfaction. However in 2007, due to the confidentiality concerns raised by having only one active non-construction program, the worker satisfaction component of Labor Code Section 3201.9 was not conducted for this report.

In 2008, two Section 3201.7 programs did not report the results of a worker satisfaction survey for 2008. One Section 3201.7 program reported that 78.3 percent of injured workers surveyed were satisfied with how their workers' compensation claim was handled by their ADR/Carve-out program.

For 2009, of the four reporting 3201.7 programs, only one submitted results. This carve-out program that reported results for 2009 found that 34 percent of injured workers surveyed were satisfied or very satisfied with their ADR/carve-out program.

A listing of employers and unions in carve-out agreements follows.

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Status of Carve-out Agreements

The following charts show the current status of carve-out agreements pursuant to Labor Code Sections 3201.5 and 3201.7, as reported by DWC.

**Construction Industry Carve-out Participants as of December, 2010
Labor Code Section 3201.5**

No.	Union	Company	Agreement Type	Exp. Date
Active 3201.5 Construction Carve Out Programs				
1	Operating Engineers Local 12	So. CA Contractors' Association	1 Union, Multiple Employers	4/1/2011
2	Operatives Plasterers & Cement Masons International Association, Local 500 & 600	So. CA Contractors Association, Inc.	1 Union, Multiple Employers	4/1/2011
3	Sheet Metal International Union	Sheet Metal-A/C Contractors National Association	1 Union, Multiple Employers	4/1/2011
4	Building Trades Council of Los Angeles-Orange County	L.A. Comm. College District Construction Program		5/6/2011
5	International Union of Petroleum & Industrial Workers	TIMEC Co., Inc./TIMEC So. CA., Inc.	1 Union, 1 Employer	7/31/2011
6	So. CA District Council of Laborers	Assoc. General Contractors of CA, Building Industry Assoc.; So. CA, So. CA Contractors' Assoc.; Engineering Contractors' Assoc.	1 Union, Multiple Employers	7/31/2011
7	United Union of Roofers, Waterproofers & Allied workers, Local 36 and 220	Union Roofing Contractors Association	1 Union, Multiple Employers	7/31/2011
8	United Union of Roofers, Waterproofers & Allied Workers, Locals 27, 40, 81 & 95	Associated Roofing Contractors of the Bay Area Counties	1 Union, Multiple Employers	7/31/2011
9	Building & Construction Trades Council San Diego	San Diego County Water Authority Emergency Storage Project	Project Labor Agreement	2/20/2012
10	District Council of Iron Workers-State CA & Vicinity	California Ironworker Employers Council	1 Union, Multiple Employers	2/25/2012
11	Sheet Metal Workers International Association #105	Sheet Metal & A/C Labor Management Safety Oversight Committee (LMSOC)	1 Union, Multiple Employers	4/17/2012
12	District Council of Painters	LA Painting & Decorating Contractors' Association	1 Union, Multiple Employers	10/28/2012
13	United Association -Journeyman & Apprentices - Plumbers & Pipefitters, Local #447	No.CA Mechanical Contractors Association & Association Plumbing & Mechanical Contractors of Sacramento. Inc.	1 Union, Multiple Employers	11/7/2012
14	Santa Clara & San Benito Counties Bldg. &Construction Trades	Santa Clara Valley Med'l Cntr-Seismic Safety Project, OCIP	Project Labor Agreement	2/2/2013
15	PIPE Trades District Council.# 36	Mechanical Contractors Council of Central CA	1 Union, Multiple Employers	4/14/2013
16	International Brotherhood of Electrical Workers (IBEW)	National Electrical Contractors Association (NECA)	1 Union, Multiple Employers	8/14/2013

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No.	Union	Company	Agreement Type	Exp. Date
17	So. CA District of Carpenters & 19 local unions	6 multi-employer groups - 1000 contractors	1 Union, Multiple Employers	8/14/2013
18	So. CA Pipe Trades Council 16	Multi employer - Plumbing & Piping Industry Council	1 Union, Multiple Employers	8/24/2013
19	(A) No. CA Carpenters Regional Council	Basic Crafts Workers' Compensation Benefits Trust	(A) 1 Union, Multiple Employers	(A) 8/30/2013
	(B) No. CA District Council of Laborers		(B) 1 Union, Multiple Employers	(B) 8/30/2013
	(C) Operating Engineers Local 3		(C) 1 Union, Multiple Employers	(C) 8/30/2013
20	International Unions Public & Industrial Workers	Irwin Industries, Inc.	1 Union, 1 Employer	3/23/2013
21	Industrial, Professional & Technical Workers	Irish Construction	1 Union, 1 Employer	12/20/2013
Completed, Ended or Expired 3201.5 Carve-out Programs*				
1	LA Building & Construction Trades Council AFL-CIO	Cherne Contracting - ARCO	Project Labor Agreement	Completed
2	LA County Building & Construction Trades Council	Cherne Contracting - Equilon Refinery - Wilmington	Project Labor Agreement	Expired 3/1/2007
3	LA/Orange Counties Building & Construction Trade Council	Cherne Contracting - Chevron Refinery - El Segundo	Project Labor Agreement	Expired 7/26/2005
4	Plumbers & Steamfitters	Cherne Contracting - Chevron Refinery - Richmond	Project Labor Agreement	Expired 7/1/2005
5	Plumbers & Steamfitters	Cherne Contracting - Tesoro Refinery - Martinez	Project Labor Agreement	Expired 7/1/2005
6	Plumbing & Pipefitting Local 342	Cherne Contracting - Chevron Base Oil 2000 project	1 Union, 1 Employer	Completed
7	Steamfitters Local 250	Cherne - two projects completed in 1996	1 Union, 1 Employer	Completed 1996
8	Building & Construction Trades Council of Alameda County	Parsons Constructors, Inc. Nat'l Ignition Facility - Lawrence Livermore	Project Labor Agreement	Ended 7/02/2006
9	CA Building & Construction Trades Council	Metropolitan Water District So. CA Inland Feeder Parsons	Project Labor Agreement	Ended 12/31/2002
10	CA Building & Construction Trades Council	Metropolitan Water District So. CA - Diamond Valley Lake	Project Labor Agreement	Expired 11/07/2006
11	Contra Costa Building & Construction Trades Council	Contra Costa Water District - Los Vaqueros	Project Labor Agreement	Completed

*A completed, ended, or expired designation does not exclude a carve-out program from responsibility for any workplace injuries or illnesses that may have occurred during operation.

Data Source: DWC

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

**Non-Construction Industry Carve-Out Participants as of December 1, 2010
(Labor Code Section 3201.7)**

No	Union	Company	Permission to Negotiate Start Date	Permission to Negotiate End Date	Application for Recognition of Agreement Date	Agreement Recognition Letter Date
Active 3201.7 Non-Construction Carve Out Programs						
1	(A) No. CA Carpenters Regional Council Non-Construction (B) No. CA District Council of Laborers Non-Construction (C) Operating Engineers Local 3 Non-Construction	Basic Crafts Workers' Compensation Benefits Trust*	12/9/2004	12/9/2005	2/15/2005	2/28/2005
2	United Food & Commercial Workers Union Local 588	Mainstay Business Solutions	8/11/2005	8/11/2006	9/2/2005	9/12/2005
3	Long Beach Peace Officers' Association & Long Beach Fire Fighters' Association Local 372	City of Long Beach	12/11/2006	12/11/2007	11/2/2007	11/13/2007
4	SEIU Local 1877	Various Maintenance Companies	4/13/2007	4/13/2008	2/12/2008	2/28/2008
5	SEIU Local 721	City of Los Angeles	6/18/2007	6/18/2008	4/15/2008	5/8/2008
Open Permission to Negotiate						
1	Kern County Firefighters' Union	County of Kern	6/3/2010	6/3/2011		
2	Kern County Law Enforcement Association	County of Kern	6/3/2010	6/3/2011		
3	United Food & Commercial Workers Local 8	Save Mart Supermarkets dba Yosemite Wholesale	8/11/2010	8/11/2011		
4	Teamsters Local 150	Save Mart Supermarkets dba Roseville Distribution Center	9/13/2010	9/13/2011		
5	Automotive Machinists Lodge 1173	Save Mart Supermarkets dba Vacaville Distribution Center	11/30/2010	11/30/2011		
Expired Permission to Negotiate						
1	Teamsters CA State Council-Cannery & Food Processing Unions, IBT, AFL-CIO	CA Processors, Inc. Multi-Employer Bargaining Representative	7/6/2004	7/5/2005		
2	UFCW Local 770	Super A Foods - 10 locations- ~283 members	9/1/2004	9/1/2005		

SELECTED INDICATORS IN WORKERS' COMPENSATION: 2010 REPORT CARD FOR CALIFORNIA

No	Union	Company	Permission to Negotiate Start Date	Permission to Negotiate End Date	Application for Recognition of Agreement Date	Agreement Recognition Letter Date
3	UFCW Local 324	Super A Foods - 2 locations - ~ 76 members	9/1/2004	9/1/2005		
4	UFCW Local 1167	Super A Foods - Meat Department ~8 employees	9/1/2004	9/1/2005		
5	UFCF Local 1036	Super A Foods - All employees, except those engaged in janitorial work or covered under a CBA w/Culinary Workers and demonstrators	9/1/2004	9/1/2005 Withdrawn 7/28/2009		
6	Teamsters Local 952	Orange County Transportation Authority Coach Operators	4/17/2006	4/17/2007 Withdrawn 7/28/2009		
7	Teamsters Local 952	Orange County Transportation Authority Maintenance Workers	7/31/2006	7/31/2007		
8	Teamsters Local 630	SYSCO Food Service	6/22/2007	6/22/2008 Withdrawn 7/30/2009		
9	Teamsters Local 848	SYSCO Food Service	6/22/2007	6/22/2008 Withdrawn 7/30/2009		
10	UFCW Local 5	Smoked Prime Meats, Inc	7/7/2008	7/7/2009		
11	UFCW Local 5	Milan Salami	7/7/2008	7/7/2009		
12	UFCW Local 5	Berkeley Bowl	7/7/2008	7/7/2009		

*Authorized, but does not currently operate as a non-construction program.

Data Source: DWC

For further information ...

The latest information on carve-outs may be obtained at: <http://www.dir.ca.gov/dwc/carveout.html>

How to Create a Workers' Compensation Carve-out in California: Practical Advice for Unions and Employers. CHSWC (2006).

<http://www.dir.ca.gov/CHSWC/carve-out1.pdf>.

Carve-outs: A Guidebook for Unions and Employers in Workers' Compensation. CHSWC (2004).

<http://www.dir.ca.gov/chswc/CARVEOUTSGuidebook2004.pdf>

Carve-Outs' in Workers' Compensation: An Analysis of Experience in the California Construction Industry (1999). <http://www.dir.ca.gov/CHSWC/CarveOutReport/Carveoutcover.html>

DIVISION OF LABOR STANDARDS ENFORCEMENT (DLSE), BUREAU OF FIELD ENFORCEMENT (BOFE)

BOFE is responsible for investigation and enforcement of statutes covering workers' compensation insurance coverage, child labor, cash pay, unlicensed contractors, Industrial Welfare Commission orders, as well as group claims involving minimum wage and overtime claims. BOFE also handles criminal investigations involving these group claims.

The following chart describes the citations from 2009 enforcement actions.

DLSE 2009 Results by Citation Category

Citation Category	Number of Citations	Penalties Assessed	Penalties Collected
Workers' Compensation	2,257	\$11,613,052	\$3,659,229
Itemized Statement	977	\$10,083,750	\$3,307,965
Public Works	263	\$4,539,501	\$839,123
Non-Registration	427	\$2,287,200	\$993,108
Unlicensed Construction Contractor	45	\$791,400	\$67,550
Minimum Wage	113	\$393,350	\$74,035
Overtime	103	\$257,200	\$309,688
Child Labor	209	\$228,000	\$245,675
Garment	71	\$111,800	\$36,251
Sub-Total	4,202	\$25,765,752	\$8,693,501
TOTAL	4,465	\$30,305,253	\$9,532,624

Data Source: DLSE

For further information ...

<http://www.dir.ca.gov/dlse/DLSEReports.htm>

ANTI-FRAUD ACTIVITIES

Background

During the past decade, there has been a dedicated and rapidly growing campaign in California against workers' compensation fraud. This report on the nature and results of that campaign is based primarily on information obtained from the CDI Fraud Division, as well as applicable Insurance Code and Labor Code sections and data published in periodic Bulletin[s] of the California Workers' Compensation Institute (CWCI).

Insurance Commissioner Steve Poizner convened an Advisory Task Force on Insurance Fraud to address major issues relating to insurance fraud. The Executive Officer of CHSWC chaired the Workers' Compensation Expert Working Group of the Task Force. The Task Force completed a comprehensive review of the anti-fraud insurance programs and identified 18 recommendations to consider in reducing insurance fraud in California.

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The recommendations are consolidated into the following five categories identified by the Task Force:

- Organization and Efficiency of the CDI Fraud Division Enforcement Branch, California Department of Insurance.
- Industry Role in Fighting Fraud
- Public Role in Fighting Fraud
- Fraud Statutes and Regulations
- Technologies

The Fraud Division is currently implementing the following recommendations:

- Placing personnel in existing fusion centers within the State so law enforcement can share information more efficiently and quickly identify emerging trends and crime patterns.
- Developing and providing better training for the Special Investigation Units (SIU) on the recognition, documentation and reporting of suspected insurance fraud claims.
- Recognizing insurance companies that go beyond compliance for their greater commitment to fighting fraud.
- Increasing the outreach efforts of CDI about the consequences of fraud and how the public can recognize it and report it.

Suspected Fraudulent Claims

Suspected Fraudulent Claims (SFCs) are reports of suspected fraudulent activities received by CDI from various sources, including insurance carriers, informants, witnesses, law enforcement agencies, fraud investigators, and the public. The number of SFCs represents only a small portion that has been reported by the insurers and does not necessarily reflect the whole picture of fraud since many fraudulent activities have not been identified or investigated.

According to CDI Fraud Division data, the quality of SFCs continues to improve each fiscal year. Several reasons for this trend include:³⁴

- The extensive efforts to provide training to the insurance claim adjusters and Special Investigation Unit (SIU) personnel by the Fraud Division and District Attorneys.
- Changing submission of SFCs by filling out the FD-1 Form electronically through the Internet.
- The Department promulgated new regulations to help insurance carriers step up their anti-fraud efforts and become more effective in identifying, investigating, and reporting workers' compensation fraud. A work plan to increase the number of audits performed by the Fraud Division SIU Compliance Unit has been established and continues with an aggressive outreach plan to educate the public on anti-fraud efforts and how to identify and report fraud. This has ensured a more consistent approach to the oversight and monitoring of the SIU functions with the primary insurers as well as the subsidiary companies.

³⁴ 2009 Annual Report of the Insurance Commissioner, July 30, 2010

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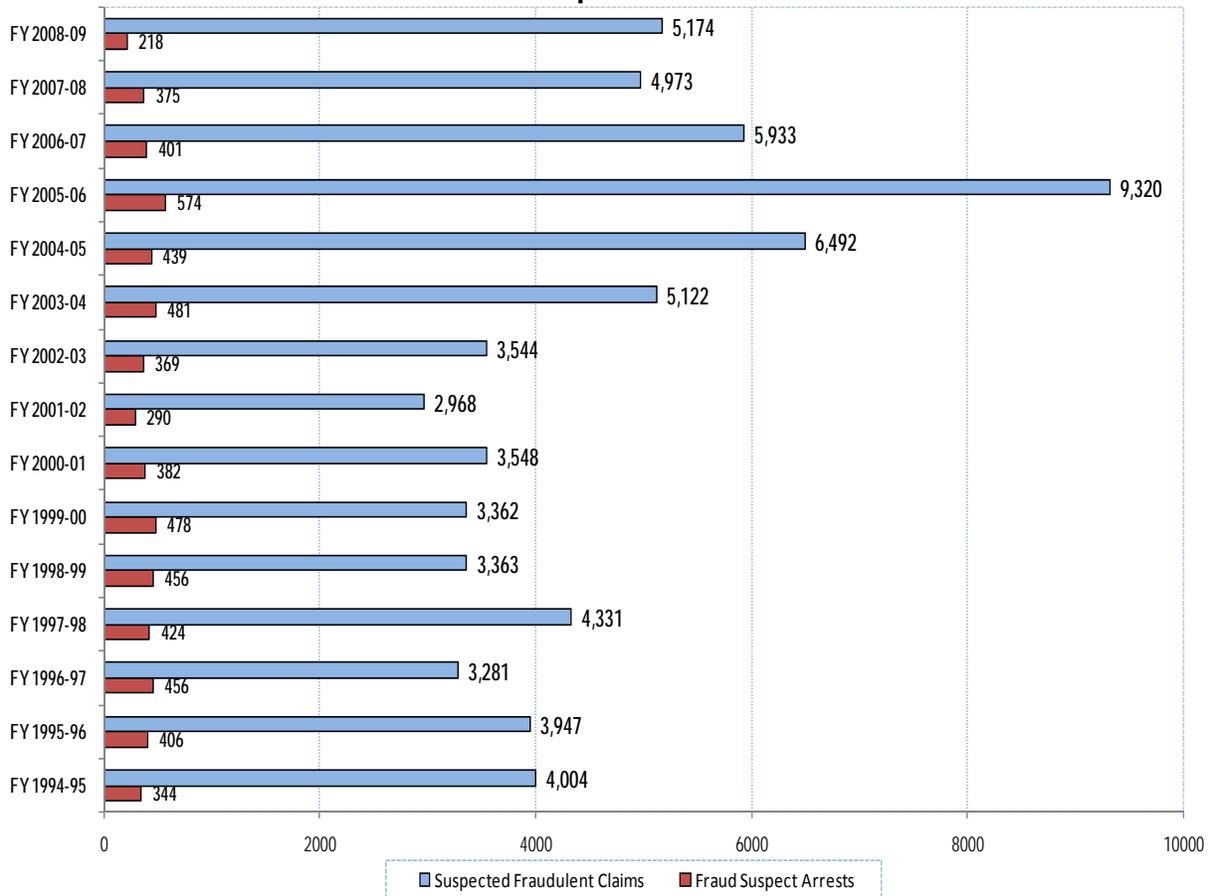
- CDI is strengthening its working relationship with the Workers' Compensation Insurance Rating Bureau (WCIRB) to support the Department's anti-fraud efforts.

For fiscal year 2008-09, the total number of SFCs reported is 5,174.

Workers' Compensation Fraud Suspect Arrests

After a fraud referral, an investigation must take place before any warrants are issued or arrests are made. The time for investigation ranges from a few months to a few years depending on the complexity of the caseload. For this reason, the number of arrests does not necessarily correspond to the number of referrals in a particular year. (See the following chart.)

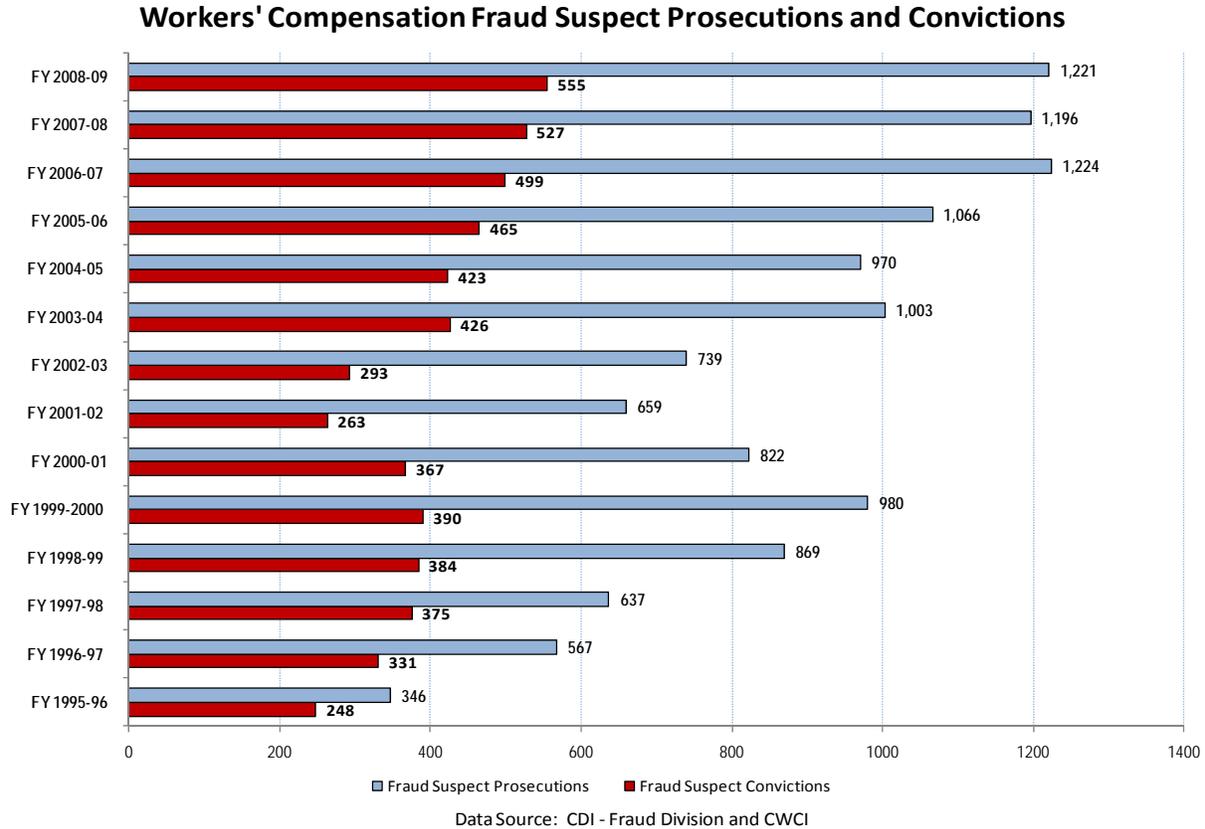
Suspected Workers' Compensation Fraudulent Claims and Suspect Arrests



Data Source: CDI - Fraud Division and CWCI

Workers' Compensation Fraud Suspect Convictions

Based on information from the Fraud Division and CWCI Bulletin[s], the number of workers' compensation fraud suspects *convicted* annually while many cases are still pending in court is reported in the chart below.



Workers' Compensation Fraud Investigations

Types of Workers' Compensation Fraud Investigations

The charts "Caseload by Type of Fraud Investigations" and "Type of Fraud Investigations by Percentage of Total" on the next page indicate the number and types of investigations opened and carried from fiscal years 2002-03 to 2008-09 reported by district attorneys. Applicant fraud appears to be the area generating the most cases followed by premium fraud and medical provider fraud.

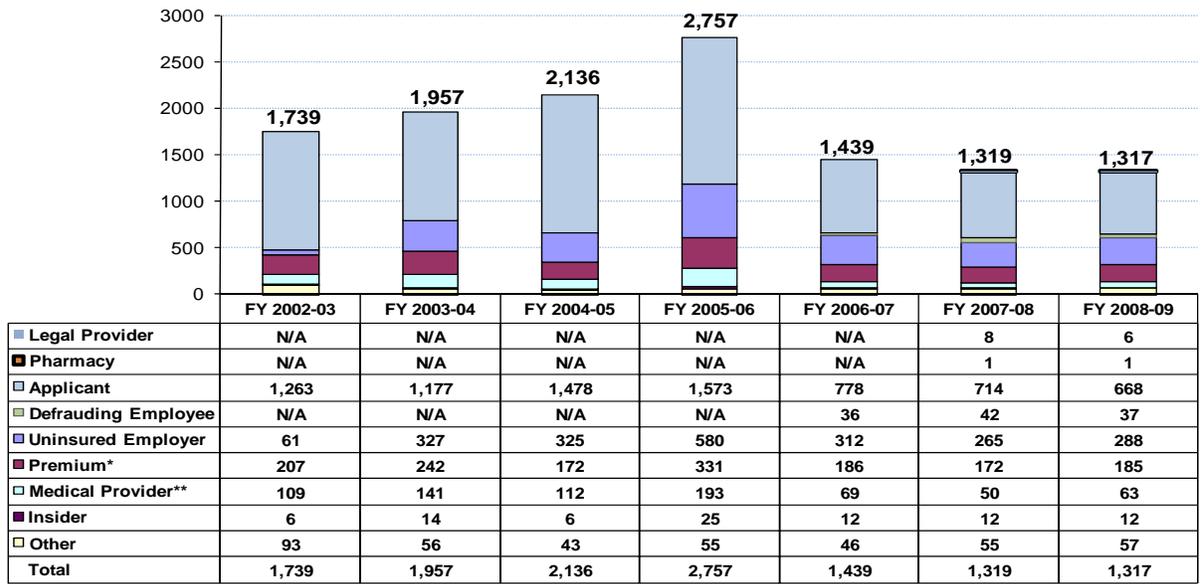
Some of the categories for fraud-related investigations were changed in the fiscal years 2005-2006, 2006-2007, and 2007-2008 as reflected in the following charts. In 2008, two new categories, Legal and Pharmacy, were introduced as separate categories.

Trends in Workers' Compensation Fraud Investigations

The chart below shows that there was a 58.5 percent increase in workers' compensation fraud investigations from FY 2002-03 to FY 2005-06 followed by 52 percent decrease from FY 2005-06 to FY 2008-09.

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Caseload by Type of Fraud Investigations



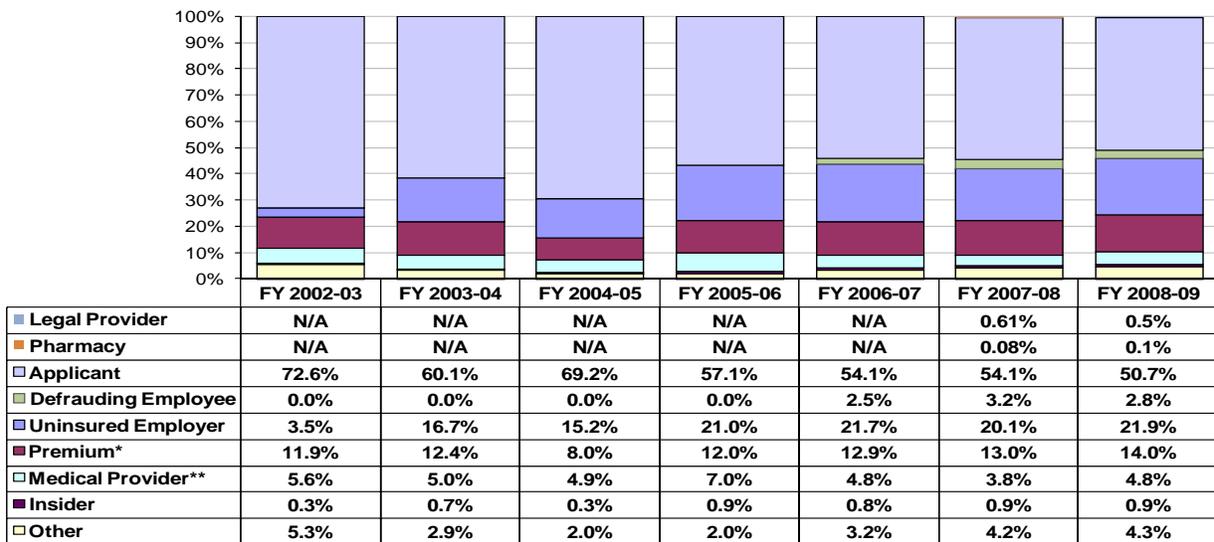
* From 2007-2008 on, Includes Misclassification, Underreported Wages, and X-Mod Evasion

** From FY 2005-06, includes Capping and Fraud Rings that had been separate categories before, and for 2006-07, includes Legal Provider and Treatment frauds

Data Source: California Department of Insurance, Fraud Division

As seen in the chart below, the focus of the investigations has been changing. Applicant fraud investigations have dropped from 73 percent of the total in 2002-03 to about 51 percent of the total number of investigations in FY 2008-09. At the same time, there has been an increase in the percentage of investigations of uninsured employers and premium fraud. The percentage of investigations of medical provider fraud decreased from 7 percent to 4.8 percent between 2005-06 and 2008-09.

Type of Fraud Investigations by Percentage of Total



* From FY 2006-2007 on, Includes Misclassification, Underreported Wages, and X-Mod evasion

** From FY 2005-06, includes Capping and Fraud Rings that had been separate categories before, and for 2006-07, includes Legal Provider and Treatment frauds

Data Source: California Department of Insurance, Fraud Division

In addition, the *2009 Annual Report of the Insurance Commissioner* notes that the great majority of suspected fraudulent claims in calendar year 2009 came from Los Angeles County (1,704 or 37.4 percent of total cases) followed by Orange County (404 or 9 percent), and then San Bernardino County (301 or 7 percent).

Underground Economy

While most California businesses comply with health, safety and workers' compensation regulations, there are businesses that do not and are operating in the "underground economy." Such businesses may not have all their employees on the official company payroll or may not report wages paid to employees that reflect their real job duties. Businesses in the underground economy are therefore competing unfairly with those that comply with the laws. According to the Employment Development Department (EDD), the California underground economy is estimated at \$60 billion to \$140 billion.³⁵

Potential Areas for Improvement in Workers' Compensation Anti-Fraud Efforts

CHSWC has engaged in many studies that focus on improving workers' compensation anti-fraud efforts. For further information on these studies, please see:

http://www.dir.ca.gov/chswc/CHSWC_Research.html

³⁵ <http://www.bettzedek.org/PDF/voicesfromtheunderground.pdf> Page 4.