# Chapter 4.5 Division of Workers’ Compensation

# Subchapter 1, Administrative Director – Administrative Rules

# Article 12. [begin strikeout] ~~Document~~ [end strikeout] Copy [begin underline] Service [end underline] and Electronic Transaction [begin strikeout] ~~Fees~~ [end strikeout] [begin underline] Prices [end underline]

## **§ 9980. Definitions.**

As used in this article:

(a) [begin underline] “Additional set of records” means a copy of the initial set of records obtained by the copy service provider. [end underline]

[begin underline] (b) [end underline] “Authorization” means a [begin underline] written [end underline] release [begin underline] to obtain records, [end underline] signed and dated by the injured worker, or the injured worker’s representative if the injured worker is a minor [begin underline] , [end underline] [begin strikeout] ~~or an~~ [end strikeout] incompetent [begin underline],[end underline] or [begin strikeout] ~~is~~ [end strikeout] deceased, [begin strikeout] ~~to obtain records~~ [end strikeout] which [begin underline] contains the following information: [end underline] [ begin strikeout] ~~states~~ [end strikeout]

[begin underline] (1) The [end underline] [begin strikeout] ~~the~~ [end strikeout] specific uses and limitations on the types of information to be disclosed [begin underline] ; [end underline] [begin strikeout] ~~,~~ [end strikeout]

[begin underline] (2) The [end underline] [begin strikeout] ~~the~~ [end strikeout] name of the person or entity that may disclose the information [begin underline] ; [end underline] [being strikeout] ~~,~~ [end strikeout]

[begin underline] (3) The [end underline] [begin strikeout] ~~the~~ [end strikeout] name of the person or entity authorized to receive the information [begin underline] ; [end underline] [begin strikeout] ~~,~~ [end strikeout]

[start underline] (4) The [end underline] [start strikeout] ~~a~~ [end strikeout] specific date after which the provider is no longer authorized to disclose the information [start underline] ; [end underline] [start strikeout] ~~,~~ [end strikeout] and

[start underline] (5) A notice advising [end underline] [start strikeout] ~~advises~~ [end strikeout] the person signing the authorization of the right to receive a copy of the authorization.

(c) “Claims administrator” means the person or entity responsible for the payment of compensation for any of the following: a self-administered insurer providing security for the payment of compensation required by Divisions 4 and 4.5 of the Labor Code, a self-administered self-insured employer, the administrator of the Uninsured Employers Benefits Trust Fund (UEBTF), the administrator of the Subsequent Injuries Benefits Trust Fund (SIBTF), a third-party claims administrator for a self-insured employer, insurer, legally uninsured employer, joint powers authority, the Self-Insurers’ Security Fund, or the California Insurance Guarantee Association (CIGA).

[start underline] (d) “Contracted services” means services payable under an agreement [start double strikeout] between [end double strikeout] [start double underline] with [end double underline] a claims administrator [start double underline] or an employer [end double underline] and a copy service provider. [end underline]

[begin strikeout] ~~(b)~~ [end strikeout] [begin underline] (e) [end underline] “Copy and related services” means all services and expenses that are related to the retrieval and copying of documents that are responsive to a duly issued subpoena or authorization to release documents for a workers’ compensation claim.

[begin strikeout] ~~(d)~~ [end strikeout] [begin underline] (f) [end underline] “Custodian of records” means the person who has [start strikeout] ~~physical~~ [end strikeout] custody and control of the books, records, documents or physical evidence and maintains them in the ordinary course of business.

[start underline] (g) [start double strikeout] “Date of Service” means the date on which records are requested. [end double strikeout] [end underline]

[start strikeout] ~~(e)~~ [end strikeout] [start underline] [start double strikeout] (h) [end double strikeout] “Initial [start strikeout] ~~S~~[end strikeout] s [end underline] et of records” means records or documents that have been recorded in paper, electronic, film, digital, or other format from one custodian of records under one subpoena or authorization [start double underline] and includes separate types of records requested from a single source, regardless of the number of subpoenas issued.[end double underline]

[start strikeout] ~~(f)~~ [end strikeout] [start underline] [start double strikeout] (i) [end double strikeout] [end underline] [start double underline] (h) [end double underline] “Professional photocopier” is defined by section 22450 of the Business and Professions Code.

Authority: Section 5307.9, Labor Code.

Reference: Section 5307.9, Labor Code.

## **§ 9981. Bills for Copy Services.**

(a) This article applies to services provided on and after [start underline] July 1, 2015 [end underline] [start strikeout] ~~the effective date of this article~~ [end strikeout] regardless of date of injury.

(b) Bills for copy [start underline] and related [end underline] services must specify [start underline] the [end underline] services provided and include [start underline] :

(1) The individual’s or entity’s [end underline] [start strikeout] ~~the~~ [end strikeout] provider tax identification number, [start strikeout] ~~and~~ [end strikeout] professional photocopier registration number, county of registration,[start underline] and [end underline] date of billing [start underline] ; [end underline] [start strikeout] ~~,~~ [end strikeout]

[start underline] (2) The [end underline] [start strikeout] ~~case information including employee~~ [end strikeout] [start underline] injured worker’s [end underline] name, claim number,[start underline] Workers’ Compensation Appeals Board [end underline] case number (if applicable) [start underline] ; [end underline] [start strikeout] ~~,~~ [end strikeout] [start underline]and

(3) The [end underline] source [start underline] of the [end underline] information [start underline], the [end underline] [start strikeout] ~~including~~ [end strikeout] type of records [start underline] produced, the [end underline] date of service, [start underline] a [end underline] description of [start underline] the billed [end underline] services,[start strikeout] ~~and~~ [end strikeout] the number of pages produced [start strikeout] ~~.~~ [end strikeout]; [start underline] and

[start double strikout] (4) The date the records were requested, and the name of the individual requesting the records. [end double strikeout] [end underline] [start double underline] A statement that the services described in the bill are neither related to nor the result of a violation of Labor Code section 139.32.[end double underline]

[start underline] (c) [end underline] [start double underline] For dates of service prior to April 1, 2022, bills for records may include billing codes. WC 020 is for Flat Fee of $180. WC 021 is for Cancelled Service of $75, WC 022 is for Certificate of No Record (CNR) of $75, WC 023 is for Per Page Fee of .10 per page over 500 pages, WC 024 is for records from the Employment Development Department (EDD) of $20, WC 025 is for records from the Workers’ Compensation Insurance Rating Bureau (WCIRB) of $30, WC 026 is for an Additional Electronic Set of $5, WC 027 is for an Additional Electronic Set of $30, WC 028 is for Duplication of X-Rays or scan of $10.26, WC 029 is for CD of X-rays and scans of $3.

(d) For dates of service on or after April 1, 2022, bills submitted for records under this section may include the following codes: [end double underline]

[start underline] [start double strikeout] Bills submitted under this section must use are the following codes: [end double strikeout]

(1) WC [start double strikeout] 010 [end double strikeout] [end underline] [start double underline]019 [end double underline] [start underline]: Flat Price of [start double strikeout] $225 [end double strikeout][end underline] [start double underline] 230 [end double underline]

[start underline] (2) [start double strikeout] WC 020: Flat Price of $180.

(3) [end double strikeout] WC 021: Cancelled Service – [start double underline] of [stop double underline ]$75.

[start double strikeout] (4) [end double strikeout] [start double underline] (3) [end double underline] WC 022: Certificate of No Records – [start double underline] of [end double underline] $75.

[start double strikeout] (5) [end double strikeout] [start double underline] (4) [end double underline] WC 023: Per Page Price of .10 per page [start double underline] for pages in excess of 500 pages.[end double underline]

[start double strikeout] (6) WC 024: Records from the Employment Development Department (EDD) of $20

(7) WC 025: Records from the Workers’ Compensation Insurance Rating Bureau (WCIRB) of $30 .

(8) WC 026: Additional Electronic Set of $5.

(9) WC 027: Additional Electronic Set of $30.

(10) [end double strikeout] [start double underline] (5) [end double underline] WC 028: Duplication of X-Ray or scan of $10.26.

[start double strikeout] (11) [end double strikeout] [start double underline] (6)[end double underline] WC 029: Electronic Storage Media – of $3.00.

[start double strikeout] (12) [end double strikeout] [start double underline](7)[end double underline] WC 030: Requested Services. (Indicate amount.)

[start double strikeout] (13) [end double strikeout] [start double underline] (8)[end double underline] WC 031: Contracted Prices for Additional Sets. (Indicate amount.)

[start double strikeout] (14) [end double strikeout] [start double underline](9)[end double underline] WC 032: Contracted Services (Indicate amount).

[start double strikeout] (15)[end double strikeout] [start double underline] (10)[end double underline] WC 033: Additional Set of $10.

[start double strikeout] (16) [end double strikeout] [start double underline] (11) [end double underline] S9999: Sales Tax. [end underline]

[start strikeout] ~~(1) Bills for records may include billing codes. WC 020 is for Flat Fee of $180, WC 021 is for Cancelled Service of $75, WC 022 is for Certificate of No Record of $75, WC 023 is for Per Page Fee of .10 per page, WC 024 is for records from the Employment Development Department (EDD) of $20, WC 025 is for records from the Workers’ Compensation Insurance Rating Bureau of $30, WC 026 is for an Additional Electronic Set of $5, WC 027 is for an Additional Electronic Set of $30, WC 028 is for Duplication of X-Ray or scan of $10.26, WC 029 is for CD of X-rays and scans of $3.~~[end strikeout]

[start underline] [start double strikeout] (d) All bills submitted under this section [end double strikeout] [end underline] [start strikeout] ~~Each bill for services~~ [end strikeout] [start double strikeout] must include a statement [start underline] under penalty of perjury [end underline] under penalty of perjury that [end double strikeout] [start strikeout]~~there was no~~[end strikeout] [start double strikeout] [start underline] the services described in the bill are neither related to nor the result of a[end underline] violation of Labor Code section 139.32 [end double strikeout][start strikeout] ~~with respect to the services described~~[end strikeout].

[start underline] (e) Bills must be paid [start double underline]or objected to[end double underline] within thirty days of receipt by the claims administrator. If bills are not paid within this period, then that portion of the billed sum which remains unpaid will be increased by 25 percent.[end underline]

Authority: Section 5307.9, Labor Code.

Reference: Section 5307.9, Labor Code, Section 22462, Business and Professions Code.

## **§ 9982. Allowable Services.**

(a) This [start double strikeout] fee [end double strikeout] schedule [start double strikeout] covers [end double strikeout] [start double underline] provides payment for [end double underline] copy and related services for records relevant to an injured worker’s claim [start double strikeout] ,[end double strikeout] [start double underline] . [end double underline][start strikeout] ~~except services~~ [end strikeout][start underline] [start double strikeout] unless such services are covered [end double strikeout] [end underline] [start double underline] Services not covered by this schedule may be compensated [end double underline] under a contract [start double underline] or agreement [end double underline] between the [start strikeout] ~~employer~~ [end strikeout] [start underline] claims administrator [end underline] and the copy service provider.

(b) If the claims administrator fails to serve records in the employer’s or insurer’s possession requested by an injured worker or his or her representative within the time frames set forth in Labor Code section 5307.9 [start underline], [end underline] or fails to serve a copy of any subsequently-received medical report or medical-legal report within the timeframes set forth in section [start strikeout] ~~10608~~[end strikeout], [start underline] [start double strikeout]10653 [end double strikeout] [end underline] [start double underline] 10635 [end double underline], this [start strikeout] ~~fee~~ [end strikeout] schedule applies to obtaining those records.

(c) If the claims administrator fails to provide written notice, pursuant to Labor Code section 4055.2, to the injured worker of records which they are seeking by subpoena, this [start strikeout] ~~fee~~ [end strikeout] schedule applies to obtaining those records.

(d) There will be no payment for copy and related services that are:

(1) Provided within 30 days of a [start strikeout] ~~written request by an injured worker or his or her authorized representative~~[end strikeout] [start underline] [start double strikeout] notice of intent to copy records [end double strikeout] [end underline] [start double underline] written request by an injured worker or his or her authorized representative [end double underline] to an employer, claims administrator, or workers' compensation insurer [start double strikeout] . [start underline] When an objection is raised, the parties must meet and confer to resolve the objection [end double strikeout] [end underline] for copies of records in the employer's, claims administrator's, or workers' compensation insurer's possession that are relevant to the employee's claim [start strikeout] ~~,~~ [end strikeout] [start underline] . [end underline]

(2) Provided by any person or entity which is not a registered professional photocopier.

[start underline] (3) Provided by a medical provider, or by an agent of the provider, when the requesting party has employed a professional photocopier to obtain or inspect the records.

(e) [start double strikeout] If an employer or insurance carrier contracts for services which are not covered by this schedule, the injured worker can obtain the same services with their copy service provider, including summaries, tabulations, and indexing. [end double strikeout][end underline]

[start strikeout]~~(e)~~ [end strikeout] [start underline][start double strikeout] (f) [end underline] [end double strikeout]The claims administrator is not liable for payment of:

1. Records previously obtained by subpoena or authorization by the same party and served from the same source [start strikeout]~~, unless the subpoena or authorization is accompanied by a declaration from the party requesting the records setting forth good cause to seek duplicate records~~.

~~(A) If there is good cause, the claims administrator is liable for payment. Good cause includes new counsel seeking duplicate records for review, and loss or destruction of records due to natural disaster.~~[end strikeout]

1. Summaries, tabulations, or [start strikeout]~~for~~[end strikeout] indexing of documents.

(3)[start double strikeout] Subpoenaed records obtainable from the Workers’ Compensation Insurance Rating Bureau, and[start underline] or [end underline]the Employment Development Department[start underline] requested on or after January 1, 2022[end underline] that can be obtained without a subpoena at lower cost.[end double strikeout]

[start underline]More than four Certificates of No Records (CNR) on a claim with dates of service after April 1, 2022.[end underline]

(4)[start double underline] Charges for records submitted to the Independent Medical Review Organization (IMRO) for independent medical review, where the submitted records are already in the possession of the injured worker or the injured worker’s representative, or which are duplicative of those submitted to the IMRO by the claims administrator.

(5) Charges for services related to, or cancellation of, a subpoena for records in the employer’s claims administrator’s or workers’ compensation insurer’s possession, where a signed order quashing the subpoena has been served on the copy service.[end double underline]

Authority: Section 5307.9, Labor Code.

Reference: Section 2019.030, Code of Civil Procedure; section 5307.9, Labor Code.

## **§ 9983. [start double underline] Prices for Copy and Related Services [end double underline][start strikeout]~~Fees for Copy and Related Services~~[end strikeout] [start underline] [start double strikeout]Prices for[end underline] Dates of Service Prior to January 1, 2022.[end double strikeout]**

The reasonable maximum [start strikeout]~~fees not including sales tax~~[end strikeout] [start underline]prices[end underline] payable for copy and related services, [start underline]for dates of service prior to [start double strikeout]January[end double strikeout] April 1, 2022,[end underline] are as follows:

(a) A $180 flat [start strikeout]~~fee~~[end strikeout][start underline] price,[end underline] for a[start underline]n initial [end underline] set of records, from a single custodian of records, which includes, but is not limited to[start underline],[end underline] mileage, postage, pickup and delivery, phone calls, repeat visits to the record source and records locators, page numbering, witness fees for delivery of records, check fees,[start strikeout] ~~fees for release of information services~~[end strikeout][start underline costs charged by a third party for the retrieval and return of records held offsite by the third party, [end underline] service of the subpoena, shipping and handling, and subpoena preparation.

(b) $75 in the event of cancellation after a subpoena or request for records by authorization has been issued but before records are produced, or for a [start strikeout] ~~c~~[end strikeout][start underline]C[end underline]ertificate of [start strikeout]~~n~~[end strikeout][start underline]No[end underline][start strikeout] ~~r~~[end strikeout][start underline]R[end underline]ecords [start underline] (CNR)[end underline].

(c) $20 for records obtained from the Employment Development Department.

(d) $30 for records obtained from the Workers’ Compensation Insurance Rating Bureau.

[start strikeout]~~(e) Release of information services of witness costs for the retrieval and return of physical records held offsite by a third party are included in the flat fee. Disputes over the production of records may be resolved by filing a petition with the Workers’ Compensation Appeals Board, or by filing a petition with the superior court pursuant to Labor Code section 132. Release of information services of witness costs for retrieval and return of physical records held offsite by a third party are governed by Evidence Code Section 1563.~~[end strikeout]

[start double underline](e) Release of information services of witness costs for the retrieval and return of physical records held offsite by a third party are included in the flat fee. Disputes over the production of records may be resolved by filing a petition with the Workers’ Compensation Appeals Board, or by filing a petition with the superior court pursuant to Labor Code section 132. Release of information services of witness costs for retrieval and return of physical records held offsite by a third party are governed by Evidence Code Section 1563.[end double underline]

[start strikeout](~~f~~)[end strikeout][start underline][start double strikeout](e)[end underline][end double strikeout][start double underline](f)[end double underline] In addition to the flat ~~fee~~ price allowed in subdivision (a), the following separate ~~fees~~ prices apply:

(1) [start underline]For paper copies,[end underline][start strikeout]~~Ten~~[end strikeout][start underline] ten[end underline] cents ($.10) per page for copies above 500 pages.

(2) $5.00 for each additional set of records in electronic form ordered within 30 days of the subpoena, or $30 if ordered after 30 days and the copy is retained by the registered photocopier. If the injured worker requests an additional set of records in electronic form ordered within 30 days of the subpoena, the claims administrator is liable for one additional set of records in electronic form for no more than $5.00 for the additional set of records if ordered within 30 days and for no more than $30 if ordered after 30 days and the copy is retained by the registered photocopier. All other additional sets of records are payable by the party ordering the additional set.

(3) X-rays and scans are [start strikeout] ~~to be paid at~~ [end strikeout]$10.26 per sheet, and $3 [start strikeout]~~per CD~~ [end strikeout] [start underline]for electronic storage media [end underline] of X-rays and scans.

[start underline] (4) Applicable sales tax.

[start double strikeout](5) Third party release of information (ROI) services that represent deponents or witnesses who are compelled to produce documents for a deposition, records-only deposition, or trial conducted as part of any workers compensation claim will be paid a flat price of $35 when records are produced, inclusive of the witness fee and all services provided by the third party ROI service, and a flat price of $15, inclusive of the witness fee and all services of the ROI service when a CNR is produced. Third party ROI services representing deponents or witnesses shall accept electronic service of all deposition notices and requests, including subpoenas and witness fees. Third party ROI services shall produce electronically the records or certificates, including all affidavits required by section 1561 of the Evidence Code, to the requesting party or their representative.

Authority: Section 5307.9, Labor Code.

Reference: Sections 4453, 5307.9, Labor Code; sections 1561, 1563, Evidence Code

## § 9984. Prices for Dates of Service on and after January 1, 2022.[end underline][end double strikeout]

## **[start double underline]§ 9984. Prices for Dates of Service On and After April 1, 2022.[end double underline]**

[start underline]The reasonable maximum prices payable for copy and related services, for dates of service on and after [start double strikeout]January 1, 2022[end double strikeout][start double underline] April 1, 2022[end double underline], are as follows:

(a) A [start double strikeout]$225[end double strikeout][start double underline] 230[end double underline] flat price, for an initial set of records, from a single custodian of records, which includes, but is not limited to, mileage, postage, pickup and delivery, phone calls, repeat visits to the record source and records locators, page numbering, witness fees for delivery of records, check fees, costs charged by a third party for the retrieval and return of records held offsite by the third party, service of the subpoena, shipping and handling, and subpoena preparation.

(b) $75 in the event of cancellation after a subpoena or request for records by authorization has been issued but before records are produced, or for a CNR.[end underline] [start double underline]The claims administrator will not be liable for bills submitted under this subdivision unless:

1) Bills submitted for cancellations include a copy of the request for records containing the date of the request and identity of the requesting party, and a copy of the cancellation order containing the date of cancellation and identity of the cancelling party

2) Bills submitted for certificates of no records include a copy of the request for records containing the date of the request and identity of the requesting party, and a copy of the certificate of no records containing the date of the certificate.

(c)(1) Release of information services of witness costs for the retrieval and return of physical records held offsite by a third party are included in the flat fee. Disputes over the production of records may be resolved by filing a petition with the Workers’ Compensation Appeals Board, or by filing a petition with the superior court pursuant to Labor Code section 132. Release of information services of witness costs for retrieval and return of physical records held offsite by a third party are governed by Evidence Code Section 1563.

(2) Third party release of information (ROI) services that represent deponents or witnesses who are compelled to produce documents for a deposition, records-only deposition, or trial conducted as part of any workers compensation claim must be paid a flat price of $35 when records are produced, inclusive of the witness fee and all services provided by the third party ROI service, or a flat price of $15, inclusive of the witness fee and all services of the ROI service when a certificate of no records is produced. Third party ROI services representing deponents or witnesses will accept electronic service of all deposition notices and requests, including subpoenas and witness fees. Third party ROI services shall produce electronically the records or certificates, including all affidavits required by section 1561 of the Evidence Code, to the requesting party or their representative. These prices are included in the flat price.[end double underline]

[start underline][start double strikeout](c)[end double strikeout](d) In addition to the flat price allowed in subdivision (a), the following separate prices apply:

(1) For paper copies, ten cents ($.10) per page for copies above 500 pages.

(2) $10.00 for each additional set of records. If the injured worker requests an additional set of records, the claims administrator is liable for one additional set of records. All other additional sets of records are payable by the party ordering the additional set.

(3) X-rays and scans are $10.26 per sheet, and $3 for electronic storage media of X-rays and scans.

(4) Applicable sales tax.

[start double strikeout](5) Third party release of information (ROI) services that represent deponents or witnesses who are compelled to produce documents for a deposition, records-only deposition, or trial conducted as part of any workers compensation claim shall be paid a flat price of $35 when records are produced, inclusive of the witness fee and all services provided by the third party ROI service, or a flat price of $15, inclusive of the witness fee and all services of the ROI service when a CNR is produced. Third party ROI services representing deponents or witnesses will accept electronic service of all deposition notices and requests, including subpoenas and witness fees. Third party ROI services shall produce electronically the records or certificates, including all affidavits required by section 1561 of the Evidence Code, to the requesting party or their representative. These fees are included in the flat fee.[end double strikeout][end underline]

Authority: Section 5307.9, Labor Code.

Reference: Section 5307.9, Labor Code; section 1563, Evidence Code.

**§9985 Disputes**

[start underline][start double strikeout](a)[end double strikeout] Disputes over the production of records may be resolved by filing a petition with the Workers’ Compensation Appeals Board, or by filing a petition with a superior court pursuant to Labor Code section 132.

(b) Disputes over objections to a notice of intent may be resolved by filing a petition with the Workers’ Compensation Appeals Board.[end double strikeout][end underline]

Authority: Sections 133, 5307.9, Labor Code.

Reference: Sections 4453, 5307.9, Labor Code; section 1563, Evidence Code

**§9990. Division [start strikeout]~~Fees~~[end strikeout][start double underline] Fees [end double underline] [start double strikeout][start underline]Prices[end underline][end double strikeout] for Transcripts; Copies of Documents; Certifications; Case File Inspection; Electronic Transactions**

The Division will charge and collect [start strikeout]~~fees~~[end strikeout][start double underline] fees [end double underline]for copies of records or documents. For the purposes of this section, “records” includes any writing containing information relating to the conduct of the public's business which is prepared, owned, or used by the Division, regardless of the [start strikeout] ~~physical~~ [end strikeout] [start double underline]physical [end double underline]form or characteristics. “Writing” means handwriting, typewriting, printing, photostatting, photographing and every other means of recording any form of communication thereof, and all papers, maps, magnetic tapes, photographic films and prints, electronic facsimiles, any form of stored computer data, magnetic cards or disks, drums, and other documents.

[start strikeout]~~Fees~~[end strikeout][start double underline] Fees[end double underline] [start underline]Prices [end underline]will be charged and collected by the Division as follows:

(a) For copies of papers, records or documents, not certified or otherwise authenticated, one dollar ($1.00) for the first copy and twenty cents ($0.20) for each additional copy of the same page, except to the injured worker to whom the fee will be ten cents ($.10) per page.

(1) State sales tax and postage will be added [start strikeout] ~~to this fee~~[end strikeout][start double underline] to this fee[end double underline].

(b) For certification of copies of official records or documents and orders of evidence taken or proceedings had, ten dollars ($10.00) for each certification.

(1) Where the Division is requested to both copy and certify a document, the [start strikeout] ~~fee~~ [end strikeout] [start double underline] fee[end double underline][start underline] price[end underline][start double strikeout] price [end double strikeout] is the sum of the fees prescribed in (a) and (b) above.

(c) For paper transcripts of any proceeding of record, $100 to order transcripts of 33 pages or less, for transcripts over 33 pages,

(1) An additional charge of three dollars ($3.00) for each page over 33, and for each page of additional copies of the transcript, $1.50 per page, both to be paid prior to the release of the transcripts.

(2) Sales tax and postage will be added [start strikeout] ~~to this fee~~ [end strikeout] [start double underline] to this fee [end double underline].

(3) Transcripts delivered on a medium other than paper shall be compensated at the same rate set for paper transcripts, except an additional [start strikeout] ~~fee~~ [end strikeout] [start double underline]fee [end double underline][start underline][start double strikeout] amount shall will [end double strikeout][end underline]be charged to cover the cost of the medium and any copies thereof.

(d) For inspection of a case file not stored in the place where the inspection is requested, ten dollars ($10.00) plus any postage,[start underline][start double strikeout] retrieval costs, [end double strikeout][end underline] [end double strikeout] or other delivery costs[start strikeout]~~,~~[end strikeout]except when requested by an injured employee or his or her attorney or his or her representative of record.

(e) For electronic records maintained by the Division:

(1) Listing of WCAB new case filings is $85.00 per complete download for WCAB new case opening records transmitted to the requester by direct electronic download.

Paper copies of the WCAB new case opening records provided in addition to the electronic data will be subject to a separate charge of $0.10 per page, plus postage.

(2) Electronic response to an electronic inquiry concerning a case's status, a lien's status, or other case specific information available in electronic form, through EDEX (the Division's Electronic Data Exchange program), twenty cents ($0.20) per transaction.

(3) The Division will provide electronic copies of WCAB new case opening records or EDEX access only pursuant to a written agreement with the administrative director.

(4) Copies of existing electronic records, other than those electronic records set forth in subsections (e)(1) or (e)(2), that constitute disclosable public records, will be provided as required by law, for the Division's actual costs of retrieving and transmitting the data, including staff research, downloading redaction and transfer to storage media time, programming and processing time, storage media, postage or shipping costs and sales tax. All staff research, downloading redaction and transfer, programming and processing time required to create new data sorts of existing electronically maintained records will be charged at the Division's standard rate of $85.00 per hour, billed in fifteen (15) minute increments.

(f) Copies of Division records containing information that is privileged or otherwise non-disclosable will be redacted before release.

[start underline][start double strikeout](g) Retrieval costs for records maintained by the State Records Center.[end underline][end double strikeout]

Authority: Sections 127, 133, 138.7 and 5307.3, Labor Code.

Reference: Sections 127, and 138.7, Labor Code.