

December 10, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-147

This letter provides updated information to County Welfare Departments (CWDs) regarding the transition of workers' compensation services from York Risk Services Group to Intercare Holdings Insurance Services, for the In-Home Supportive Services (IHSS) and Waiver Personal Care Services (WPCS) Programs.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

December 10, 2021

ALL COUNTY LETTER NO. 21-147

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL IHSS PROGRAM MANAGERS
PUBLIC AUTHORITY EXECUTIVE DIRECTORS

SUBJECT: NEW THIRD PARTY WORKERS' COMPENSATION CLAIMS
ADMINISTRATOR AND CLAIMS REPORTING PROCEDURES
FOR THE IN-HOME SUPPORTIVE SERVICES AND WAIVER
PERSONAL CARE SERVICES PROGRAM PROVIDERS

REFERENCE: ALL COUNTY LETTERS [\(ACL\) 13-50](#) AND [ACL 16-56](#);
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 10850](#),
[WIC 12302.2 \(a\)](#) AND [WIC 12302.21](#); AND [THE MANUAL OF
POLICIES AND PROCEDURES \(MPP\) DIVISION 19](#).

The purpose of this letter is to provide counties with updated information regarding the transition of services from York Risk Services Group, Inc. to Intercare Holdings Insurance Services, Inc. (Intercare), for workers' compensation coverage for the In-Home Supportive Services (IHSS) Program and the California Department of Health Care Services (DHCS) Waiver Personal Care Services (WPCS) Program, pursuant to state law, including [WIC sections 12302.2\(a\) and 12302.21](#). WPCS providers shall continue to follow the claims reporting process referenced in [ACL 16-56](#).

Effective December 1, 2021, Intercare will be the new administrator of workers' compensation benefits for those injured while performing IHSS or WPCS services. The California Department of General Services, Office of Risk and Insurance Management (DGS-ORIM), will continue to manage the workers' compensation program for California Department of Social Services (CDSS) and is participating in the implementation of the services under the new agreement with Intercare.

Background

Under existing law, CDSS is required to provide workers' compensation coverage to providers for the IHSS and WPCS programs. These providers are employed by IHSS recipients or employed through public authorities or as contractor mode providers. Effective December 1, 2021, Intercare will administer the delivery of workers' compensation benefits and services for IHSS and the WPCS Programs in the State of California.

The services to be provided by Intercare were obtained through a competitive procurement method conducted by DGS-ORIM in conjunction with CDSS.

Provided below are the specific requirements for reporting claims of injuries or occupational illnesses to Intercare; the posting of notices and the distribution of pamphlets related to workers' compensation coverage; and the reporting of serious injuries or deaths for the IHSS Program. Full compliance (with the procedures described below) is necessary for the timely provision of workers' compensation, including benefits and treatment, the verification of injuries or third party responsibility, to meet statutory deadlines for the issuance of benefits or payments, and to meet the reporting requirements of industrial injuries in the State of California. As noted on the previous page, WPCS providers shall continue to follow the claims reporting process referenced in [ACL 16-56](#).

Intercare Reporting Requirements for the IHSS Program

When the county contact representative receives notification, from any source, that an IHSS provider incurred an injury while providing IHSS services, the following procedures must be followed within one (1) working day:

1. County contact representative completes lines 10-19 of the Workers' Compensation Claim Form DWC-1 and gives the DWC-1 form to the IHSS provider.
2. If the IHSS provider completes the DWC-1, they shall be given a copy of the DWC-1 and the county contact representative shall retain remaining copies.
3. The county contact representative must complete the Employer's Report of Occupational Injury or Illness, Form 5020, which can be accessed by logging in to the [Intercare Website](#). (Usernames and passwords will be provided to the counties prior to the December 1, 2021 effective date). All information requested on the Form 5020 is essential for the proper handling of the potential claim. The information provided on the Form 5020 must be complete, accurate, and contain the county contact's signature and title. Please understand that the county contact's signature is not an admission of liability. Form 5020 can be filed on the [Intercare Website](#), by fax, or by mail.

4. The county contact representative must send all the above to Intercare along with any medical reports and bills, verification of designated IHSS recipient(s), any applicable Contract Mode providers, and information regarding the client's authorized hours and payroll information. The county contact representative should retain copies for their records as a best practice. The recommended retention guidelines for claim files can be found under [California Code of Regulations, Title 8, Section 10102](#).

Intercare will hold webinars with counties with instructions for requesting access to their website and will also provide Workers' Compensation 101 reporting packets to all locations.

If there are questions related to reporting requirements, completion of claims reporting forms or workers' compensation in general, please contact:

Intercare Holdings Insurance Services
Tani Corona
Account Manager
Phone: (916) 677-2560
Mobile: (916) 462-0239
Fax: (916) 781-6300
Email: CA-DSS@Intercareins.com

Required Notices and Pamphlets

All counties are required to post the DWC 7, Notice to Employees—Injuries Caused by Work, in a conspicuous location frequented by providers. The poster can be found on the [Department of Industrial Relations website](#). Intercare will provide an electronic version of the notice.

The counties must also distribute a Facts About Workers' Compensation pamphlet, which notifies new providers about California workers' compensation rights and benefits at the time of hire. Counties are responsible for distributing the pamphlet to all new providers and existing providers upon request. The pamphlet can be ordered through the [California Workers' Compensation Institute](#) website. Intercare will provide an electronic version of the pamphlet.

Reporting a Serious Injury, Illness, or Death of an IHSS Provider

[California Code of Regulations, Title 8, Section 330](#) defines a serious injury or illness as an injury or illness occurring in a place of employment, or in connection with any employment, which requires inpatient hospitalization (for other than medical observation

or diagnostic testing), or in which an employee suffers an amputation, loss of an eye, or any serious degree of permanent disfigurement. If a fatality or serious injury or illness occurs, the following procedures must be followed:

1. Report the incident immediately by telephone to the nearest office of the California Division of Occupational Safety and Health (DOSH). A list of DOSH offices can be found at the following link: [DOSH District Offices](#)

“Immediately” means as soon as practically possible but no later than eight (8) hours of when the county knows or with diligent inquiry would have known of the death or a serious illness or injury per [California Code of Regulations, Title 8, Section 342](#). Upon learning of a serious injury or illness, a county must immediately report it to the DOSH. Failure to make an immediate report is subject to a minimum \$5,000 fine.

2. The county contact must immediately contact Intercare at: 1 (800) 771-5454. If worksite is other than the county office, the worksite supervisor must contact the county welfare department (CWD) immediately to report the incident.

Intercare’s Claims Examiners or Adjusters

Intercare will assign an examiner dedicated to the IHSS program to contact the county, public authority or contractor mode workers’ compensation representatives for further information on individual cases. It is the responsibility of the representatives to provide all necessary information related to individual claims of injury or occupational illness to the examiners or adjusters of Intercare. Cooperating with Intercare, and providing requested information, is not considered a violation of confidentiality under [WIC Section 10850](#) or the [MPP Division 19](#) since Intercare is under contract with CDSS to administer these benefits and is acting on behalf of CDSS.

Intercare adjusters may ask questions in the following areas:

- Return-to-work dates
- Length of assignments
- Availability of alternative/modified work
- Background information
- Medical information

Convenient Web-based Training for Workers’ Compensation Reporting

Intercare will provide live Webex training to all county contact representatives regarding claims reporting procedures and responsibilities. Training will include instructions to report claims online via a web-based reporting module. This training is consistent with the goals of CDSS and DGS-ORIM to maintain the delivery of workers’ compensation services and to reduce the costs of the workers’ compensation program.

Training schedule and registration will be available online: all county contacts will receive an email with Webex registration details.

Additional Assistance Provided by DGS-ORIM

If there are any questions related to completion of reporting forms or administration of benefits by Intercare, please contact:

Jessica Dunne, Associate Risk Analyst
Office of Risk & Insurance Management
Department of General Services
Phone: (916) 376-5296
Fax: (916) 376-5275
Email: InsuranceServices@dgs.ca.gov

Conclusion

Intercare, DGS-ORIM, and CDSS are working closely to implement the transition of services on December 1, 2021. Please refer all questions on this ACL to the Adult Programs Division, Fiscal & Administrative Bureau at (916) 653-3850.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debbi Thomson", followed by a horizontal line.

DEBBI THOMSON
Deputy Director
Adult Programs Division

cc: CWDA
Department of Health Care Services