

Chapter 4.5 Division of Workers' Compensation
Subchapter 1, Administrative Director – Administrative Rules
Article 12. Document Copy Service and Electronic Transaction Fees
Prices

§ 9980. Definitions.

As used in this article:

(a) “Additional set of records” means a copy of the initial set of records obtained by the copy service provider.

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

(1) The the specific uses and limitations on the types of information to be disclosed;

(2) The the name of the person or entity that may disclose the information;

(3) The the name of the person or entity authorized to receive the information;

(4) The a specific date after which the provider is no longer authorized to disclose the information; and

(5) A notice advising ~~advises~~ 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).

(d) “Contracted services” means services payable under an agreement between a claims administrator and a copy service provider.

~~(b)~~ (e) “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.

~~(d)~~ (f) "Custodian of records" means the person who has ~~physical~~ custody and control of the books, records, documents or physical evidence and maintains them in the ordinary course of business.

(g) "Date of Service" means the date on which records are requested.

~~(e)~~ (h) "Initial ~~S~~set 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.

(f) (i) "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 July 1, 2015 the effective date of this article regardless of date of injury.

(b) Bills for copy and related services must specify the services provided and include:

(1) The individual's or entity's ~~the~~ provider tax identification number, ~~and~~ professional photocopier registration number, county of registration, and date of billing;

(2) The case information including employee injured worker's name, claim number, Workers' Compensation Appeals Board case number (if applicable); and

(3) The source of the information, the including type of records produced, the date of service, a description of the billed services, and the number of pages produced; and

(4) The date the records were requested, and the name of the individual requesting the records.

(c) Bills submitted under this section must use the following codes:

(1) WC010: Flat Price of \$225

(2) WC 020: Flat Price of \$180.

(3) WC 021: Cancelled Service - \$75.

(4) WC 022: Certificate of No Records - \$75.

(5) WC 023: Per Page Price of .10 per page.

(6) WC 024: Records from the Employment Development Department (EDD) of \$20.

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

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

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

(10) WC 028: Duplication of X-Ray or scan of \$10.26.

(11) WC 029: Electronic Storage Media - \$3.00.

(12) WC 030: Requested Services. (Indicate amount.)

(13) WC 031: Contracted Prices for Additional Sets. (Indicate amount.)

(14) WC 032: Contracted Services (Indicate amount).

(15) WC 033: Additional Set of \$10.

(16) S9999: Sales Tax.

~~(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.~~

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

(e) Bills must be paid 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.

Authority: Section 5307.9, Labor Code.

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

§ 9982. Allowable Services.

(a) This fee schedule covers copy and related services for records relevant to an injured worker's claim, unless such services are covered ~~except services~~ under a contract between the ~~employer~~ claims administrator 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, or fails to serve a copy of any subsequently-received medical report or medical-legal report within the timeframes set forth in section ~~40608~~, 10653, this fee 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 fee 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 ~~written request by an injured worker or his or her authorized representative~~ notice of intent to copy records to an employer, claims administrator, or workers' compensation insurer. When an objection is raised, the parties must meet and confer to resolve the objection 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.

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

(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) If an employer or insurance carrier contracts for services which are not covered by this schedule, the injured worker shall be allowed to obtain the same services with their copy service provider, including summaries, tabulations, and indexing, at the rate paid by the employer or insurance carrier to their copy service provider.

~~(e)~~ (f) 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, ~~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.~~

(2) Summaries, tabulations, or ~~for~~ indexing of documents.

(3) Subpoenaed records obtainable from the Workers' Compensation Insurance Rating Bureau, ~~and or~~ the Employment Development Department requested on or after January 1, 2022 that can be obtained without a subpoena at lower cost.

(4) More than four Certificates of No Records (CNR) on a claim with dates of service after January 1, 2022.

Authority: Section 5307.9, Labor Code.

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

§ 9983. Fees for Copy and Related Services Prices for Dates of Service Prior to January 1, 2022.

The reasonable maximum ~~fees not including sales tax~~ prices payable for copy and related services, for dates of service prior to January 1, 2022, are as follows:

(a) A \$180 flat ~~fee~~ 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, ~~fees for release of information services~~ 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 eCertificate of ~~n~~No ~~r~~Records (CNR).

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

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

~~(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.~~

(f)(e) In addition to the flat fee price allowed in subdivision (a), the following separate fees prices apply:

(1) For paper copies, Ten ten 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 ~~to be paid at \$10.26 per sheet, and \$3 per CD~~ for electronic storage media of X-rays and scans.

(4) Applicable sales tax.

(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.

The reasonable maximum prices payable for copy and related services, for dates of service on and after January 1, 2022, are as follows:

(a) A \$225 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.

(c) 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.

(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, 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 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.

Authority: Section 5307.9, Labor Code.

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

§9985 Disputes

(a) 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.

Authority: Sections 133, 5307.9, Labor Code.

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

§9990. Division Fees Prices for Transcripts; Copies of Documents; Certifications; Case File Inspection; Electronic Transactions

The Division will charge and collect fees 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 physical form or characteristics. "Writing" means handwriting, typewriting, printing, photostating, 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.

Fees Prices 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 ~~to this fee.~~

(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 fee price 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 ~~to this fee~~.

(3) Transcripts delivered on a medium other than paper shall be compensated at the same rate set for paper transcripts, except an additional fee amount shall will 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, retrieval costs, or other delivery costs, 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.

(g) Retrieval costs for records maintained by the State Records Center.

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

Reference: Sections 127, and 138.7, Labor Code.

