

TOGETHER

WE CAN STOP WORKERS' COMPENSATION FRAUD

Workers' compensation is a no-fault system that benefits both injured employees and employers. It benefits employees by providing for prompt medical care and financial assistance to those injured on the job. It benefits employers by offering protection from civil lawsuits for job-related injuries. Unfortunately, fraud is a significant problem within the workers' compensation system, costing billions each year.

The Alameda County District Attorney's Office is committed to preventing this kind of fraud. But we need your help. This brochure outlines some of the most common examples of workers' compensation fraud. If you know of such fraud, please contact our office or the California Department of Insurance as soon as possible.

Nance E. O'Malley
District Attorney
Alameda County



Alameda County District Attorney's Office
7677 Oakport Street, Suite 650
Oakland, CA 94621
Tel: (510) 383-8600 Fax: (510) 383-8615
www.alacoda.org

and/or

California Department of Insurance
1100 Rose Drive, Suite 100
Benicia, CA 94510
Tel: (707) 751-2000
www.insurance.ca.gov

www.alacoda.org

Alameda County District Attorney
7677 Oakport Street, Suite 650
Oakland, CA 94621



WORKERS' COMPENSATION FRAUD HURTS EVERYONE



ALAMEDA COUNTY
DISTRICT ATTORNEY'S OFFICE



Workers' Compensation fraud is a crime. There are several kinds of fraud:

Uninsured Employer

Failing to have workers' compensation insurance when required by law is a crime punishable by up to one year in jail and at least \$10,000.

Applicant Fraud

An employee who lies to receive benefits may be guilty of a felony punishable by up to five years in prison and \$150,000. Examples include:

- Making up an injury that did not happen
- Lying about working another job
- Failing to disclose prior relevant injuries

Claim Denial Fraud

Employers or insurance companies that wrongfully deny claims may be guilty of a felony punishable by up to five years in prison and \$150,000. Example:

- Making false statements to prevent an employee from filing a claim

Premium Fraud

Employers who lie to reduce their insurance premium may be guilty of a felony punishable by up to five years in prison and \$50,000. Examples include:

- Paying injured workers in cash, without reporting the injury to the insurance carrier
- Misstating the employees' job descriptions
- Falsely claiming employees are actually "independent contractors"
- Falsely reporting company's payroll

Provider Fraud

Medical providers who commit fraud in connection with workers' compensation may be guilty of a felony punishable by up to five years in prison and \$50,000.

Examples include:

- Billing for services not provided
- Paying other people to recruit patients

Es delito el fraude en el régimen de compensación al trabajador (workers' compensation.) Hay varias clases de fraude:

Contratantes no asegurados:

Es delito carecer del seguro para compensación al trabajador cuando sea requisito legal por lo cual se aplicará pena de hasta un año de cárcel y por lo menos \$10,000.

Fraude por parte del solicitante:

El empleado que mienta para recibir compensación puede ser culpable de un delito mayor por lo cual se aplicará pena de hasta cinco años de prisión y \$150,000. Algunos ejemplos son:

- Inventar un lesión ficticia
- Desmentir que tenga otro empleo
- Ocultar lesiones anteriores relacionadas

Fraude por rechazo de solicitudes:

Los contratantes o compañías aseguradoras que ilícitamente rechazan solicitudes pueden ser culpables de un delito mayor por lo cual se aplicará pena de hasta cinco años de prisión y \$150,000. Por ejemplo:

- Declarar en falso para impedir que el empleado gestione una solicitud

Fraude en el pago de primas:

Los contratantes que mientan para recortar la prima para el seguro podrán ser culpables de un delito mayor por lo cual se aplicará pena de hasta cinco años de prisión y \$50,000. Algunos ejemplos son:

- Pagar a los obreros lesionados clandestinamente sin referir la lesión a la compañía aseguradora
- Falsificar las descripciones de los puestos laborales
- Afirmar en falso que los empleados en realidad son <<contratistas independientes>>
- Falsificar la nómina salarial de la compañía

Fraude por los que prestan atenciones:

Los que presten atenciones médicas y cometan fraude en conexión con la compensación al trabajador podrán ser culpables de un delito mayor por lo cual se aplicará pena de hasta cinco años de prisión y \$50,000. Algunos ejemplos son:

- Facturar atenciones que no hayan proporcionando
- Pagar a otras personas para que recluten pacientes

詐騙工人傷害賠償是犯罪行為。 以下是多種詐騙型式:

僱主沒有投保之欺詐:

未為勞工投保之僱主是犯法, 刑罰最高可判處1 年監禁和罰款至少 \$10,000.

申請人詐騙:

雇員以欺騙手法獲取利益可被判刑罰, 最高5 年監禁和罰款 \$150,000. 例如:

- 偽造並沒有發生過的工傷
- 隱瞞另一份工作
- 不透露以往相關傷害

拒絕求償欺詐:

凡僱主或保險公司故意拒絕索賠可被判刑罰最高可判處5 年監禁和罰款 \$150,000.

- 為免雇員追討索賠而偽做假聲明

保險費詐騙:

僱主為減輕保費而隱瞞事實可被判刑罰最高可判處5 年監禁和罰款 \$50,000.

- 未向保險公司申報而現金賠償受傷工人之工傷
- 虛報員工職責
- 偽稱雇員是獨立承包商
- 偽做公司之員工會計

醫療提供商詐騙:

醫療提供商犯上勞工賠償詐騙可被判重罪, 刑罰最高可判處5 年監禁和罰款 \$50,000.

範例包括:

- 索償沒有提供服務的費用
- 為招集更多病人而付與他人報酬