

# VCSO Presumptive Workers' Compensation Data

December 8, 2025

# WHAT IS A PRESUMPTION?



- The California legislature enacted the presumption statutes to help ensure that public employees within specific job classifications tasked with providing vital services to the public receive additional benefits easing their burden of proof.
- The legislature made the presumptions that cover our safety employees rebuttable.
- A presumption is a legal concept created by legislative mandate which shifts the burden of proof to the employer once the employee meets the prima facie threshold to trigger the presumption.

# INJURIES OR CONDITIONS COVERED BY A REBUTTABLE PRESUMPTION INCLUDE:

- ▶ Heart Trouble
- ▶ Low Back/Duty Belt
- ▶ Cancer
- ▶ Post-Traumatic Stress Disorder (PTSD) (Applies to dates of injury 1/1/20 to 1/1/29)
- ▶ Hernia
- ▶ Meningitis
- ▶ Tuberculosis
- ▶ Blood-Borne Infectious Diseases & Methicillin-Resistant Staphylococcus Aureus (MRSA)
- ▶ Injuries from Exposure to Biochemical Substances
- ▶ Lyme Disease
- ▶ Pneumonia
- ▶ COVID-19 (Repealed 1/1/2024)

# Heart Trouble and Pneumonia Presumptions Labor Code §§3212 and 3212.5

- Applicable to firefighters under LC 3212 and peace officers and DA investigators under LC 3212.5.
- Heart trouble presumption under L.C. 3212.5 requires 5 years of service before the presumption applies.
- Heart Trouble is defined as: “any affliction to, or additional exertion of, the heart caused directly to that organ or the system to which it belongs, or to it through interaction with other inflicted areas of the body.”
- Examples of “heart trouble”: left ventricular hypertrophy (LVH), atrial enlargement, atherosclerosis, coronary artery disease, myocardial infarctions (heart attack), scarring, atrial fibrillation (tachycardia?), cardiomyopathy and mitral valve prolapse.
- NOTE: Hypertension without evidence of *heart injury* does not trigger the presumption and may be apportioned to non-industrial factors.

# Post-Traumatic Stress Disorder (PTSD) PRESUMPTION - LABOR CODE §3212.15

- Employee must have worked in the job for at least 6 months, *unless there the injury is caused by a sudden and extraordinary employment event.*
- PTSD must be diagnosed according to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.
- Presumption requires an actual diagnosis of PTSD, *which has specific diagnostic criteria.*
- Expert medical opinion is required to confirm the diagnosis.
- The presumption applies to dates of injury on or after January 1, 2020, and is set to be repealed on January 1, 2029, unless extended by the legislature.

# Cancer Presumption - Labor Code §3212.1

Injury includes cancer, including leukemia, that develops or manifests itself during a period in which the member is in service of the department.

Presumption applies to all types of cancer;

- To trigger the presumption, the employee must show:
  1. The cancer developed or manifested during a period of service to the agency; and
  2. The employee was exposed to a carcinogen while in service, as defined by the International Agency for Research on Cancer or the Director of California Department of Industrial Relations.

The presumption is rebuttable if:

1. Lack of Exposure to carcinogen and/or carcinogen not linked to primary site of cancer
2. Latency periods
3. Medical evidence must be based on reasonable medical probability.
4. The claim is filed timely within statute of limitations of up to 120 months (10 years) following the employee's termination of service, **commencing with the last day of actual work** in the specified capacity.

# Changes Since 2023

- 75 days to respond to presumptive claims (accept or deny) – effective 1/1/2023
- Newly received evidence beyond 75 days is considered in support of benefits when received
- COVID presumption sunset – effective 1/1/2024
- Initiation of orthopedic fast-track program – effective 7/21/23
- PTSD presumption, initial set to sunset 1/1/25 was expanded to 1/1/29

# VCSO Workers' Compensation Claim Statistics 1/1/23 to 10/31/25

- Claim counts closely aligns with annual average over past 10 years
- 578 Workers' Compensation Claims Filed (All Types)
  - 1/1/23 to 12/31/23 = 178
  - 1/1/24 to 12/31/24 = 217
  - 1/1/25 to 10/31/25 = 183
- 39 of 578 claims were presumptive claims

# VCSO Presumptive Claim Statistics 1/1/23 to 10/31/25

- 82% of all presumptive claims filed were accepted
- 39 (7%) of 578 Claims Filed were for Presumptive Injuries
  - 10 of 39 accepted an average of 13 days after VCSO reported to Sedgwick
  - 24 of 39 were accepted within 75 days (legislative decision date)
    - *While awaiting determination \$10K in medical treatment*
  - 15 of 39 were denied within 75 days (legislative decision date)
    - 8 subsequently accepted upon receipt of new evidence
    - 7 remain denied, and denials are not disputed
      - 5 of the 7 were for COVID, which is no longer presumptive

# Utilization Review (UR) and Medical Treatment Utilization Schedule(MTUS) Mandated by Legislature

- Utilization Review is governed by California Labor Code §4610 and Title 8, California Code of Regulations §§9792.6 et seq.
- Requires all workers' compensation administrators have a Utilization Review program filed with the California Division of Workers' Compensation, and mandates that treatment requests be reviewed against the Medical Treatment Utilization Schedule (MTUS).
- MTUS is the official set of evidence-based medical guidelines claims administrators in the California workers' compensation system are required to use to determine what treatment is considered reasonable and necessary for injured workers.
- In workers' compensation in California, the way medical coverages are to be reviewed and the standard that is applied is dictated by the legislative process, *not* the County or Sedgwick

# Unique Treatment Aspects of VCSO Work Comp Program

- No medical provider network (MPN)
  - Employees can treat with any physician who will accept work comp
  - Highly unusual benefit
- All diagnostics pre-authorized
- Ventura Orthopedics “UrgentOrtho” fast track program
- Access to world renowned oncology treatment
- Enhanced workers’ compensation unit

# Recommendations Moving Forward

- Increased involvement in quarterly claims review with executive sworn staff members
- Off cycle meetings with VCSO senior leaders to discuss specific cases or areas of concern
- Real time communication with Risk Management regarding feedback from employees (former or retired) who have questions/concerns
- Continued efforts to engage Sedgwick staff in VCSO operation tours/engagement to increase understanding of work injuries and opportunities at rehabilitation and return to work

Thank  
you