



California Workers' Compensation Institute  
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VIA E-MAIL to [dwcrules@dir.ca.gov](mailto:dwcrules@dir.ca.gov)

May 22, 2015

Maureen Gray, Regulations Coordinator  
Department of Industrial Relations  
Division of Workers' Compensation  
Post Office Box 420603  
San Francisco, CA 94612

**RE: Qualified Medical Examiner Regulations**

CCR, TITLE 8, ARTICLES 3, 10 AND 10.5,  
Sections 30, 30.5, 31.1, 100, 104, 105, 106, and 109

Dear Ms. Gray:

This written testimony on proposed revisions to the Qualified Medical Evaluator (QME) regulations is presented on behalf of members of the California Workers' Compensation Institute (the Institute). Institute members include insurers writing 71% of California's workers' compensation premium, and self-insured employers with \$46B of annual payroll (26% of the state's total annual self-insured payroll).

Insurer members of the Institute include ACE, AIG, Alaska National Insurance Company, Allianz Global Corporate & Specialty, AmTrust North America, Chubb Group of Insurance Companies, CNA, CompWest Insurance Company, Crum & Forster, EMPLOYERS, Everest National Insurance Company, The Hartford Insurance Group, ICW Group, Liberty Mutual Insurance, Pacific Compensation Insurance Company, Preferred Employers Group, Republic Indemnity Company of America, Sentry Insurance, State Compensation Insurance Fund, State Farm Insurance Companies, Travelers, XL Insurance, Zenith Insurance Company, and Zurich North America.

Self-insured employer members are Adventist Health, Chevron Corporation, City and County of San Francisco, City of Torrance, Contra Costa County Schools Insurance Group, Costco Wholesale, County of Alameda, County of San Bernardino Risk Management, County of Santa Clara, Dignity Health, Foster Farms, Grimmway Enterprises Inc., Kaiser Permanente, Marriott International, Inc., Pacific Gas & Electric Company, Safeway, Inc., Schools Insurance Authority, Sempra Energy, Shasta County Risk Management, Shasta-Trinity Schools Insurance Group, Southern California Edison, Special District Risk Management Authority, Sutter Health, University of California, and The Walt Disney Company.

## **Introduction**

The Institute's members appreciate the effort by the Division to create an online system that will make the panel request process more efficient and effective and eliminate the backlog. The paper process has proven to be very cumbersome and has caused unfortunate delays in obtaining medical legal opinions that are essential to resolving benefit delivery issues. Online requests can be processed instantly – a necessity as time frames decrease and speed in determining issues becomes ever more important. The fact that panels can be computer generated and communicated immediately will certainly streamline the medical legal process. The prompt resolution of disputes will make benefit delivery more efficient and injured workers will not have to suffer unnecessary procedural delays.

## **§ 30. QME Panel Requests**

(b) Represented cases. Requests for an initial QME panel in a represented case, for all cases with a date of injury on or after January 1, 2005 shall be submitted electronically utilizing the Division of Workers' Compensation internet site at [www.dwc.ca.gov](http://www.dwc.ca.gov), and for all other cases where represented parties agree to obtain a panel of Qualified Medical Evaluators pursuant to the process in [Labor Code section 4062.2](#), on the form in section 106

## **Recommendations and Discussion**

Section 30(b) requires the immediate use of the electronic filing process. In the development of electronic systems, there are always potential pitfalls, bottlenecks from a high volume of initial requests, and technical glitches. Until the electronic system for requesting panel QMEs is fully tested and functional, the requesting party should have the option of filing a paper form or using the online process. This initial period could be as short as 90 days or as long as 180 days but there should be some period of time where both systems overlap.

Sections 30(a) and (b) could be revised after the transition period to permit, unrepresented injured workers the option of filing electronically, as well.

Section 30(b)(5) notes that if technical problems arise, the requesting party should contact the Medical Unit. It would be beneficial if the regulation stated the contact or provided phone number or e-mail address for this purpose.

Thank you for considering our comments. Please contact us if further clarification is needed.

Sincerely,

Michael McClain  
General Counsel

Stacy L. Jones  
Senior Research Associate

MMc:SLJ/pm

cc: Destie Overpeck, DWC Administrative Director  
Christine Baker, DIR Director  
James Robbins, DIR Counsel  
CWCi Claims Committee  
CWCi Legal Committee  
CWCi Medical Care Committee  
CWCi Return to Work Group  
CWCi Regular Members  
CWCi Associate Members