



## California Workers' Compensation Institute

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December 11, 2017

VIA E-MAIL – [DWCrules@dir.ca.gov](mailto:DWCrules@dir.ca.gov)

Maureen Gray, Regulations Coordinator  
Division of Workers' Compensation, Legal Unit  
P.O. Box 420603  
San Francisco, CA 94142

### **Re: Public Hearing Comment: Provider Suspension Procedure (PSP) Regulations**

Dear Ms. Gray:

On behalf of its members, California Workers' Compensation Institute offers these comments on the Provider Suspension Procedure regulations. The Institute members include insurers writing 83% of California's workers' compensation premium, and self-insured employers with \$65B of annual payroll (30% of the state's total annual self-insured payroll).

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

Self-insured employer members include Adventist Health, BETA Healthcare Group, California Joint Powers Insurance Authority, California State University Risk Management Authority, Chevron Corporation, City and County of San Francisco, City of Torrance, Contra Costa County Schools Insurance Group, Costco Wholesale, County of Alameda, County of Los Angeles, County of San Bernardino Risk Management, County of Santa Clara, Dignity Health, Foster Farms, Grimmway Farms, 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.

Recommended revisions to the proposed regulation are indicated by **underline** and **strikeout**. Comments and discussion by the Institute are identified by *italicized text*.

**Comment:**

The Institute supports the proposed additions and revisions to the PSP regulations, with the exception of the language in 9788.2 (d).

**Recommendation:**

**§9788.2. Provider Request for Hearing.**

(d) The respondent must file the original and one copy of the request for hearing on the Administrative Director and serve one copy on the DWC Legal Unit Department of Industrial Relations Anti-fraud Unit at the address stated in the notice of suspension. The original and all copies of any filings required by this section shall have a proof of service attached.

**Discussion:**

*The respondent cannot comply with a requirement to serve a copy of their request for hearing on the Department of Industrial Relations Anti-fraud Unit, because that unit does not yet exist. Unless this proposed language is changed, a respondent could argue an inability to comply with 9788.2 (d), based on a mere technicality.*

Thank you for the opportunity to comment, and please contact us if additional information would be helpful.

Sincerely,

*Ellen Sims Langille*

Ellen Sims Langille, General Counsel  
Denise Niber, Claims and Medical Director

DN/pm

cc: Christine Baker, DIR Director  
George Parisotto, DWC Administrative Director  
CWCI Claims Committee  
CWCI Medical Care Committee  
CWCI Legal Committee  
CWCI Regular Members  
CWCI Associate Members