

## N E W S L I N E

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### **DWC Issues Notice of Public Hearing on September 3 for Proposed Workers' Compensation Benefit Notice Regulations Amendments**

The Division of Workers' Compensation (DWC) has issued a notice of public hearing on proposed amendments to the Workers' Compensation Benefit Notice regulations found in California Code of Regulations, title 8, sections 9810, 9811, 9812, 9813, 9814, 9815, 9881.1 and 10139.

Formal notice of this rulemaking proceeding will be published in today's California Regulatory Notice Register. A public hearing on the proposed regulations has been scheduled at 10 a.m., September 3 in the auditorium of the Elihu Harris State Office Building at 1515 Clay Street, Oakland, CA 94612. If public comment concludes before the noon recess, no afternoon session will be held. Members of the public may submit written comments on the proposed regulations until 5 p.m. that day.

The rulemaking proposes to amend and update existing regulations requiring employers to serve notice on injured employees that they may be entitled to workers' compensation benefits. These notices deal with: the payment, nonpayment, or delay in payment of temporary disability, permanent disability, and death benefits; any change in the amount or type of benefits being provided; the termination of benefits; the rejection of any liability for compensation; and the requirement to provide an accounting of benefits paid. In addition, changes are also being proposed to the Notice to Employees Poster and the Notice of Potential Eligibility for Benefits and Claim Form.

The regulations further streamline the process of providing notices to employees, improve the content of the notices given to injured workers, and update the notices to reflect changes in benefits and procedures adopted by Senate Bill 863.

- Section 9810 prescribes the general provisions governing the correct procedures and formats for notice letters used to inform injured workers about their entitlement to workers' compensation benefits.

- Section 9811 provides definitions of the terms used in the benefit notice regulations.
- Section 9812 prescribes the required timeframes for sending benefit notices and the content for notices dealing with each type of benefit to which an injured worker might be entitled.
- Section 9813 prescribes the required timeframes for sending notices for vocational rehabilitation benefits, and the required content for each notice. This section is being repealed in its entirety as the vocational rehabilitation benefit has been replaced with the supplemental job displacement benefit.
- Section 9814 prescribes notice requirements in claims involving salary continuation.
- Section 9815 prescribes the requirements for corrected notices.
- Section 9881.1 prescribes the form and content of the Notice to Employees Poster.
- Section 10139 prescribes the form and content of the notice of potential eligibility for benefits and the claim form.

The Notice, Initial Statement of Reasons and language of the proposed regulations can be found on the DWC proposed regulations [page](#).

If you plan to attend the public hearing, please note all visitors to the Elihu Harris State Office Building are required to go through a security screening which includes passing through metal detectors, and the X-raying and inspection of all personal belongings. The building is accessible to persons with mobility impairments. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Workers' Compensation, should contact the Disability Accommodation Coordinator or the state-wide Disability Accommodation Coordinator at 1-866-681-1459 (toll free) as soon as possible to request assistance. The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

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