



California Workers' Compensation Institute
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VIA E-MAIL to dwcrules@dir.ca.gov

September 22, 2014

Maureen Gray, Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation, Legal Unit
Post Office Box 420603
San Francisco, CA 94142

**RE: Assignment of Qualified Medical Evaluators, Evaluation Procedure -- Title 8,
California Code of Regulations, §§30 – 31.5**

Dear Ms. Gray:

These informal Forum comments on draft regulations regarding assignment of Qualified Medical Evaluators (QMEs) and evaluation procedure are 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, AmTrust North America, Chubb Group, CNA, CompWest Insurance Company, Crum & Forster, Employers, Everest National Insurance Company, Fireman's Fund Insurance Company, The Hartford, ICW Group, Liberty Mutual Insurance, Pacific Compensation Insurance Company, Preferred Employers Group, Springfield Insurance Company, State Compensation Insurance Fund, State Farm Insurance Companies, Travelers, XL America, Zenith Insurance Company, and Zurich North America.

Self-insured employer members are Adventist Health, Agilent Technologies, Chevron Corporation, City and County of San Francisco, City of Santa Ana, City of Torrance, Contra Costa County Schools Insurance Group, Costco Wholesale, County of San Bernardino Risk Management, County of Santa Clara Risk Management, 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, Sutter Health, University of California, and The Walt Disney Company.

Recommended revisions to the draft Copy Service Fee Schedule regulations are indicated by highlighted **underscore** and **strikeout**. Comments and discussion by the Institute are indented and identified by *italicized text*.

Introduction

While the Institute appreciates the division's efforts to streamline the medical legal process and use electronic filing, we suggest a period of beta testing be completed before implementing the on-line QME panel request. Claims administrators have not seen any electronic version of the form and they will require some time to test and implement the form. It is hoped that through testing, users would be able to determine whether a QME Panel had already been issued and/or rejected or if the Panel request was timely.

In the same vein, a grace period for implementation is essential. The parties should have the option to request a panel either in paper or electronic form. A reasonable grace period will allow the workers compensation community and the division the time necessary to perfect the process.

Section 30 -- Unrepresented Cases:

We understand the effort to simplify this form but any reference as to whether the employee had received a prior QME panel and all information related to that examination have been deleted. If an employee has already been evaluated by a PANEL, then the same evaluator should be used if practical. We would recommend that this information be retained on Form 105.

We agree that an electronic request form should also be an option for the unrepresented employee. If the unrepresented employee has indicated a desire to communicate by that method, the use of an electronic form should be available.

Section 30 -- Represented Cases:

The right to revoke a QME panel has been deleted. The Institute believes that it should be retained. Section 30(h) has been deleted but there should be specific reference to the time periods contained in Labor Code sections 4062.1(c) and 4062.2(c), regarding the limits for selecting an evaluator from the QME panel and for scheduling an appointment.

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

Sincerely,

Brenda Ramirez
Claims & Medical Director

cc: Destie Overpeck, DWC Acting Administrative Director
CWCI Claims Committee
CWCI Medical Care Committee
CWCI RTW Group
CWCI Legal Committee
CWCI Regular Members
CWCI Associate Members