

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Workers' Compensation**

NOTICE OF RULEMAKING AFTER EMERGENCY ADOPTION

Workers' Compensation – Provider Suspension Procedure

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation (hereinafter "Administrative Director"), pursuant to the authority vested in him by Labor Code Sections 133, 5307.3, and 139.21 has adopted regulations on an emergency basis to implement the provisions of Labor Code section 139.21 as implemented by Assembly Bill 1244 (Chapter 852, stats. of 2016, effective January 1, 2017).

The regulations adopt Article 5.1 of Chapter 4.5, Subchapter 1 of Title 8, California Code of Regulations, sections 9788.1 through 9788.6. The regulations govern provider suspension procedure. The regulations implement, interpret, and make specific Labor Code section 139.21.

The emergency regulations listed below became effective on January 6, 2017 for a period of 180 days. They were readopted on July 6, 2017 for a period of 90 days. They were readopted for the second and final time on October 5, 2017 and will remain effective until January 4, 2018. The purpose of this rulemaking is to adopt the emergency regulations on a permanent basis.

PROPOSED REGULATORY ACTION

The Administrative Director proposes to adopt Article 5.1 of Chapter 4.5, Subchapter 1 of Title 8, California Code of Regulations, sections 9788.1 through 9788.6 relating to provider suspension procedure:

Adopt Section 9788.1	Notice of Provider Suspension
Adopt Section 9788.2	Provider Request for Hearing
Adopt Section 9788.3	Suspension Hearing
Adopt Section 9788.4	Suspension Notification
Adopt Section 9788.5	Amendment of the Order of Suspension or Determination and Order re: Suspension
Adopt Section 9788.6	Service and Computation of Time

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, either orally or in writing, with respect to the subjects noted above. The hearing will be held at the following time and place:

**Date: Monday, December 11, 2017
Time: 10:00 A.M. to 5:00 P.M., or until conclusion of business
Place: Elihu Harris State Office Building – Auditorium
1515 Clay Street**

Oakland, California 94612

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the State Wide Disability Accommodation Coordinator, Kathleen Estrada, at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Workers' Compensation (hereinafter "DWC" or "Division"). The written comment period closes at **5:00 P.M., on Monday, December 11, 2017**. The Division will consider only comments received at the Division by that time. Equal weight will be accorded to comments presented at the hearing and to other written comments received by 5 P.M. on that date by the Division.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

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

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than **5:00 P.M., on Monday, December 11, 2017**.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in him by Labor Code sections 133, 5307.3, and 139.21.

Reference is to Labor Code section 139.21.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Labor Code section 139.21(b)(1), provides: “The administrative director shall adopt regulations for suspending a physician, practitioner, or provider from participating in the workers’ compensation system, subject to the notice and hearing requirements in paragraph (2).” These regulations cover the entire provider suspension procedure. This rulemaking only pertains to the provider suspension regulations.

On September 30, 2016, Governor Brown signed into law Assembly Bill 1244 (Gray, Chapter 852, Statutes of 2016). AB 1244 addressed medical fraud within the workers’ compensation system and created a new suspension process for physicians, practitioners and providers who have either been convicted of one of the crimes enumerated in Labor Code section 139.21(a)(1), suspended due to fraud or abuse from the Medicaid or Medicare programs, or whose license, certificate, or approval to provide health care has been revoked or surrendered.

AB 1244 requires the Administrative Director to provide notice of the suspension, which becomes effective after thirty (30) days from the date the written notice is sent, unless the physician, practitioner, or provider stays the suspension by requesting a hearing within ten (10) days from the date the written notice is sent.

Assembly Bill 1244 was a comprehensive bill that, in addition to adding a provider suspension hearing procedure, also added a special lien adjudication process to address the liens of those physicians, practitioners, or providers who are suspended on the basis of certain criminal convictions. Since the special lien proceeding is triggered by certain provider suspensions, the implementation and execution of the proceeding is dependent upon the existence and operation of the suspension process.

The Administrative Director is required to exercise due diligence to identify physicians, practitioners, or providers who have been suspended by accessing the quarterly updates to the list of suspended and ineligible providers maintained by the State Department of Health Care Services for the Medi-Cal program.

In addition, Labor Code section 139.21(b) directs the Administrative Director to adopt regulations for suspending a physician, practitioner, or provider from participating in the workers’ compensation system subject the following notice requirements:

The Administrative Director is required to provide physicians, practitioners, or providers written notice of their right to a hearing and the procedures to follow to request a hearing on the suspension. The notice shall state the suspension will take effect after thirty (30) days from the date the notice was mailed unless the physician, practitioner, or provider requests a hearing within ten (10) days the notice was mailed. The request for a hearing shall stay the suspension until the hearing is completed. The hearing shall be held within thirty (30) days of the receipt of the request. If the Administrative Director finds that the criteria for suspension listed above is applicable, the physician, practitioner, or provider shall be immediately suspended from participating in the workers’ compensation system.

The Administrative Director shall have the power and jurisdiction to conduct these hearings or may designate and appoint a hearing officer to conduct the provider suspension hearings. Any appointed hearing officer may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the deposition of witnesses to be taken in the manner prescribed by law for similar cases in civil cases in the superior courts of California.

Labor Code section 139.21(c) requires the Administrative Director to promptly notify the physician's, practitioner's, or provider's state licensing board of a suspension imposed pursuant to this section and shall update the qualified medical evaluator and medical provider network databases as appropriate.

Labor Code section 139.21(d) requires the Administrative Director to give notice of the suspension to the Chief Judge of the Division so that notice can be promptly given to district offices and all workers' compensation judges. All suspensions shall be posted on the department's internet web site.

Finally, the proposed regulations repeat or rephrase various provisions of Labor Code section 139.21 added by Assembly Bill 1244. Duplication is necessary to satisfy the clarity standard of Government Code section 11349.1(a)(3) to establish comprehensive and detailed procedures for the suspension of physicians, practitioners, or providers from participating in the workers' compensation system. Rather than simply delegating to the Administrative Director authority to establish such programs, the Labor Code provisions provide for a hearing, but it is the regulations that specify the documents that must be filed or submitted by the parties, the timelines for filing, the nature of the review that will be conducted, and the required elements in a decision. Since this provider suspension procedure is entirely new to workers' compensation in this state, duplication is beneficial so that affected parties can analyze and review program procedures and the timeframes for exercising statutory rights in one set of documents.

The described regulations were adopted as emergency regulations, effective January 6, 2017. This rulemaking would make the regulations permanent. Changes to the regulations that have been made after the adoption of the emergency regulations are shown in italics below. These proposed regulations implement, interpret, and make specific subdivisions (a) through (d) of the Labor Code section 139.21 as follows:

Section 9788.1. Notice of Provider Suspension

- This new section sets forth the process for issuing the notice of suspension to a medical provider who has met one of the criteria set forth under Labor Code section 139.21(a) (1).
- The section adds a definition for the "suspension from participation" to ensure that the term's meaning, as used in the regulations, will be clear to the regulated public.
- The section states that a physician, practitioner, or provider is prohibited from seeking payment for goods or services related to an occupational injury or illness provided on or after the date of their suspension.

- The section lists the required elements of the notice of suspension, i.e., the basis for suspension, the timeframe for requesting a hearing, and the manner of service of the notice upon the provider.
- *The section replaces the word “mailed” with “served” and deletes the word “calendar” before the word “days”.*
- *The section providing an optional service list of addresses of record has been deleted.*

Section 9788.2. Provider Request for Hearing.

- This new section provides the process for a medical provider served with notice of suspension to request a hearing with the Administrative Director.
- Within 10 days after the date the notice of suspension is *served*, the provider may request a hearing to contest the allegation that Labor Code section 139.21(a)(1) is applicable. *The word “calendar” is deleted before the word “days” and the word “served” replaces that word “mailed”.*
- The provider must state the legal and factual reason for the request for the hearing.
- The failure of the provider to request a hearing constitutes a waiver of their right to a hearing. If a request is not timely filed, *the Order of Suspension shall become effective 30 days after the date that the notice of suspension was mailed.* The Administrative Director shall serve the Order of Suspension 30 days after the date the notice of suspension was mailed together with the written notice required by section 9788.4. *The Order of Suspension shall be served upon the physician, practitioner, or provider by registered or certified mail.*
- The request for hearing must be in writing and state the provider’s mailing address. One original request and one copy must be filed with the Administrative Director, and one copy must be served on the *“Department of Industrial Relations Antifraud Unit at the address stated in the notice of suspension,”* The prior language which stated that one copy was served on the “DWC Legal Unit at the same address as the Administrative Director” is eliminated. The original and all copies shall have a proof of service attached.
- Any appeal from the Order shall be made to the Superior Court.

Section 9788.3. Suspension Hearing.

- The new section provides the hearing procedure for the medical provider to contest the notice of suspension. Within 10 days following receipt of the provider’s request for hearing, a notice of hearing will issue setting forth the date, time, and place of the suspension hearing.
- The notice of hearing shall be served on the respondent by registered or certified mail.
- The date of the hearing will be no later than 30 days after the receipt of the hearing request.

- The Administrative Director will designate a hearing officer to preside over an informal hearing, i.e., it does not need to be conducted according to the technical rules of evidence. However, oral testimony shall be taken only on oath or affirmation.
- Following the hearing, the designated hearing officer will issue a written recommended Determination and Order re: Suspension, which must include the basis for decision. The Determination must be served upon the Administrative Director within 10 days after the case is submitted to the hearing officer. The time requirement is directory, not jurisdictional.
- Following issuance of the Determination and Order, the Administrative Director will have 10 days *from the date of receipt* to adopt or modify the recommended Determination and Order. If the decision is modified, the Administrative Director must include a statement of the basis for the modification. The Determination must be served on the provider and is final on the day it is mailed. If the Administrative Director does not act within 10 days, *from the date of receipt of the recommended Determination and Order re: Suspension*, then the recommended Determination and Order re: Suspension of the hearing officer shall become the Determination and Order on the eleventh (11th) day. The word “calendar” is deleted before the words “day” or “days”.
- Appeals from the Determination and Order must be made by writ to a Superior Court of California.

Section 9788.4. Suspension Notification.

- This new section sets forth the list of individuals and entities that must be notified upon a provider suspension. The list includes: the Chief Judge of DWC, who shall correspondingly notify the DWC district offices and all DWC Administrative Law Judges; the special lien proceeding attorney designated under Labor Code section 139.21(f), if one is appointed; and the provider’s state licensing, certifying, or registering agency.
- In addition, the Administrative Director must update the DWC Qualified Medical Evaluator and Medical Provider Network databases to reflect the provider suspension and also post notification of the provider’s suspension on the department website.

Section 9788.5. Amendment of the Order of Suspension or Determination and Order re: Suspension.

- This section has been added to provide that “[I]f the Administrative Director becomes aware that a suspended physician, practitioner, or provider would be subject to suspension under Labor Code section 139.21(a)(1) for a criminal conviction or other statutory basis that did not serve as the basis for the suspension in the original Order of Suspension or Determination and Order re: Suspension, the Administrative Director may issue an amended Order of Suspension or amended Determination and Order re: Suspension following written notice to the physician, practitioner, or provider pursuant to section 9788.1 and an opportunity for hearing pursuant to sections 9788.2 and 9788.3.”

§9788.6. Service and Computation of Time.

- This section has been added and provides:
 - “(a) In the case of service by mail, the notice or other paper shall be complete at the time of mailing.*
 - (b) All documents shall be considered “filed” when the original is actually received by the DWC or the hearing officer designated to hear the case, where appropriate.*
 - (c) A five day extension of time shall apply to any filing made in response to documents served by mail if the place of address is within the State of California, ten days if the place of address is outside the State of California but within the United States, and twenty days if the place of address is outside the United States.”*

Objective and Anticipated Benefits of the Proposed Regulations:

The objective of the proposed regulations is to implement the requirement of a creating a suspension process for medical providers: (1) found to have been convicted of any felony or misdemeanor involving fraud or abuse of the Medi-Cal program, Medicare program, or workers’ compensation system; (2) who have had their license, certificate, or approval to provide health care surrendered or revoked; or (3) who have been suspended, due to fraud or abuse, from participation in the Medicare or Medicaid programs. Aside from the emergency regulations, there currently is no suspension procedure for such medical providers, with the exception of the Administrative Director’s authority to revoke a physician’s status as a Qualified Medical Evaluator under Labor Code section 139.2.

Physicians, practitioners, or providers who have been suspended by the Administrative Director under section 139.21 will immediately be precluded from participating in the workers’ compensation system. This will prevent them from further harming California’s injured workers and provide deterrence to future abusive or fraudulent conduct.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

After conducting a review for any regulations that would relate to or affect this area, the Administrative Director has determined that the Division of Workers’ Compensation (DWC) is the only agency regulating this area, and there are no regulations that are inconsistent or incompatible with what is being proposed.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Acting Administrative Director has made the following initial determinations:

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

- Other nondiscretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None
- Cost impacts on a representative private person or business: The estimated cost of these regulations to businesses and individuals is minimal, approximately \$16,800 in the first year and \$6,440 per year thereafter. Nearly all the costs of suspending physicians, practitioners, and providers, and providing them with appeal rights and hearings are prescribed by the express requirements of section 139.21. The regulations require that a request for hearing must be in writing, signed by the respondent or legal representative for the respondent, and contain a proof of service by mail. The original and one copy of the request must be served on the Administrative Director and one copy served on the Department of Industrial Relations' Antifraud Unit. The statewide total cost to business of the regulations is the cost of mail service and paperwork handling to request hearings.

It is anticipated that this regulation will impact approximately 400 physicians, practitioners, or providers who will be suspended from participating in California's workers' compensation system in 2017 and 2018 and another 150 suspensions annually thereafter.

Based upon the experience during the current term of the emergency regulations, it is anticipated that while some of the 400 physicians, practitioners, or providers will request a hearing because their income derived from workers' compensation cases is at stake, it is expected that most individuals and entities will not contest the notice of suspension. The required suspension mandated by Labor Code section 139.21 will be clear in many if not most cases, from the records of suspension and discipline from the Federal Medicare or Medi-Cal systems, the state medical board records of licenses revoked or surrendered, and court records of convictions for felonies or misdemeanors subject to the law, and leave no grounds to refute.

The Division anticipates that one in three of these individuals will choose to appeal their suspensions, which means that only 133 (33.3% of 400) will incur costs in the first year and only 50 (33.3% of 150) annually thereafter.

The Division estimates that a request for hearing will consist of five or fewer pages, as there is no detailed content required. The cost of first class mail for a five or fewer page request for hearing plus a large envelope is \$1.19. Being conservative, and assuming the cost as two dollars (\$2), total postage of an original plus one copy of the request for hearing to the Administrative Director and one copy to the Antifraud Unit, is under six dollars (\$6). Thus the total cost to businesses of mail service in the first year is estimated at \$798 (133 x \$6). Assuming an additional cost of \$50 in staff time for copying and mailing each appeal would add another \$6,650 to this total, bringing the regulation's overall total statewide cost to businesses to \$7,448 in the first year and \$2,800 (50 x \$56) thereafter.

- Statewide adverse economic impact directly affecting businesses and individuals: Although the

proposed action will directly affect businesses statewide, including small businesses, and individuals, the Administrative Director concludes that the adverse economic impact, including the ability of California businesses to compete with business in the other states, will not be significant.

- Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

Labor Code section 139.21 and this regulation will impact approximately 400 physicians, practitioners, or providers who will be suspended from participating in California's workers' compensation system in 2017-18. This figure consists of individuals who have been identified through court records as having been convicted of crimes enumerated in section 139.21(a)(1)(A), plus many others who are on the U.S. Office of the Inspector General's Medicare provider suspension list or the California Department of Health Services' Medi-Cal suspension list and thus subject to suspension under 139.21(a)(1)(B), who have been identified through DWC billing and claim records as currently participating in the California workers' compensation system. The Division anticipates that the statute will result in another 150 suspensions annually based on the number of individuals participating in the workers' compensation system who currently are subject to criminal charges and the historical pattern of growth in the Medicare and Medi-Cal suspension lists.

These physicians, practitioners, and providers consist of individual health care professionals, interpreters, and other ancillary service providers, all or nearly of whom are "small businesses" within the meaning of Government Code section 11342.610.

Nearly all of the costs of suspending physicians, practitioners, and providers under Labor Code section 139.21 are prescribed by the statute itself, which sets forth the grounds for suspensions, the notice requirements, and the procedures for appealing a notice and holding a hearing on the appeal, the appointment of hearing officers, the hearing procedures and burden of proof, and the requirements for deciding an appeal and providing notice once the suspension is effective. The regulation's impacts are limited to some additional specific requirements related to the mailing and handling of appeal documents. It is not anticipated that these regulations will result in the elimination of businesses.

- Creation or Elimination of Jobs within the State of California

The Administrative Director has determined that the proposed regulations will not have a significant adverse impact on jobs within the State of California. AB 1244 mandates the adoption of regulations for promptly suspending a physician, practitioner, or provider from participating in the workers' compensation system if that individual meets the criteria specified above. Labor Code section 139.21(b)(1), provides: "The administrative director shall adopt

regulations for suspending a physician, practitioner, or provider from participating in the workers' compensation system, subject to the notice and hearing requirements in paragraph (2).”

The suspension of physicians, practitioners, and providers from the workers' compensation system is prescribed by the express requirements of Labor Code section 139.2 itself, rather than the regulations. The statute sets forth the grounds for suspensions, the notice requirements, and the procedures for appealing a notice and holding a hearing on the appeal, the appointment of hearing officers, the hearing procedures and burden of proof, and the requirements for deciding an appeal and providing notice once the suspension is effective. The regulations provide procedural clarification to the provider suspension process set forth in detail in the statute. Given the limited scope of the regulations it is not anticipated that the regulations will result in the elimination of business. The regulation's impacts are limited to clarifying the hearing and decision procedure, timelines at various stages of the process mandated by the statute, and requirements related to the mailing and handling of appeal documents.

- The Creation or Elimination of Businesses Within the State of California.

Businesses will not be created or eliminated by the regulations. The suspension of physicians, practitioners, and providers from the workers' compensation system is prescribed by the express requirements of Labor Code section 139.21 itself, rather than the regulations. The regulations provide procedural clarification to the provider suspension process set forth in detail in the statute. Given the limited scope of the regulations it is not anticipated that the regulations will result in the creation or elimination of business. The regulation's impacts are limited to clarifying timelines at various stages of the process mandated by the statute, and requirements related to the mailing and handling of appeal documents.

- The Expansion of Current Business Within the State of California

Businesses will not be expanded or eliminated by the regulations. The suspension of physicians, practitioners, and providers from the workers' compensation system is prescribed by the express requirements of Labor Code section 139.21 itself, rather than the regulations. The regulations provide procedural clarification to the provider suspension process set forth in detail in the statute. Given the limited scope of the regulations it is not anticipated that the regulations will result in the expansion or elimination of existing businesses. The regulation's impacts are limited to clarifying timelines at various stages of the process mandated by the statute, and requirements related to the mailing and handling of appeal documents.

Benefits of the Proposed Action: The objective of the proposed emergency regulations is to implement the requirement of a creating an efficient and fair suspension process for medical providers: (1) found to have been convicted of any felony or misdemeanor involving fraud or abuse of the Medi-Cal program, Medicare program, or workers' compensation system; (2) who have had their license, certificate, or approval to provide health care surrendered or revoked; or (3) who have been suspended, due to fraud or abuse, from participation in the Medicare or

Medicaid programs. Currently, there is no suspension procedure for such medical providers outside of removal of their certification to act as a Qualified Medical Evaluator.

Physicians, practitioners, or providers who have been suspended by the Administrative Director will immediately be precluded from participating in the workers' compensation system. This will prevent them from further harming California's injured workers and provide deterrence to future abusive or fraudulent conduct.

Small Business Determination: The Administrative Director has determined that the proposed regulations affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Administrative Director must determine that no reasonable alternative considered or that has otherwise been identified and brought to the Administrative Director's attention would be more effective in carrying out the purpose for which the actions are proposed, or would be as effective and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Physicians and other providers of medical services to injured workers, who have been convicted of fraudulent activity, have been suspended by either the Medicare or Medicaid programs, or have had their license or certificate suspended or revoked, will be impacted by the suspension process and resultant prohibition from participating in the workers' compensation system.

The Administrative Director invites interested persons to present reasonable alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

The text of the emergency provider suspension procedure regulations, effective January 6, 2017, has been available for public review since that date on the Division's website.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE / INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, pre-rulemaking comments and the Economic Impact Statement (Form STD 399). Also included are studies and documents relied upon in drafting the proposed regulations.

In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division's website at www.dir.ca.gov. To access them, click

on the “Proposed Regulations – Rulemaking” link and scroll down the list of rulemaking proceedings to find the Provider Suspension Procedure link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Division of Workers’ Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 9:00 A.M. and 4:30 P.M., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON FOR GENERAL QUESTIONS

Non-substantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
Division of Workers’ Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: mgray@dir.ca.gov

The telephone number of the contact person is (510) 286-7100.

CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person above is unavailable, or for questions regarding the substance of the proposed regulations, inquiries should be directed to:

George Parisotto
Division of Workers’ Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: gparisotto@dir.ca.gov

The telephone number of this contact person is (510) 286-7100.

FORMAT OF REGULATORY TEXT.

Proposed Text Noticed for 45-Day Comment Period:

Deletions from the emergency regulatory text noticed for the 45-day comment period are indicated by single strike-through: ~~deleted language~~.

Additions to the emergency regulatory text noticed for the 45-day comment period are indicated by single underlining: added language.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Administrative Director makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly shown will be made available for public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Division's website at www.dir.ca.gov.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the Acting Administrative Director's mailing list.

If adopted, the regulations as amended will appear in California Code of Regulations, title 8, commencing with section 9788.1. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.