

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

NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS
For FIRST 15-DAY PUBLIC COMMENT PERIOD

Subject Matter of Regulations: Qualified Medical Evaluators

TITLE 8, CALIFORNIA CODE OF REGULATIONS,
SECTIONS 30, 31.1, 100, 104, 105, 106

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation (hereinafter "Administrative Director") pursuant to the authority vested in her by Labor Code sections 53, 133, 139.2, 4060, 4061, 4062, 4062.1, 4062.2, 4062.3, 4064, 5307.3, and 5307.4, proposes to modify the text of the following proposed regulations:

- Section 30 QME Panel Requests
- Section 31.1 QME Panel Selection Disputes in Represented Cases
- Section 100 The Application for Appointment as Qualified Medical Evaluator Form
- Section 104 The Reappointment Application as Qualified Medical Evaluator Form
- Section 105 The Request for Qualified Medical Evaluator Panel –Unrepresented Form
- Section 106 The Request for Qualified Medical Evaluator Panel – represented Form – for injuries occurring prior to January 1, 2005

PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present written comments regarding these proposed modifications. **Only comments directly concerning the proposed modifications to the text of the regulations will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94612

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations no later than 5:00 p.m. on **June 20, 2015**. Written comments may be submitted via 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.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently 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.

The specific modifications proposed include changes to the text of the following regulations and forms:

- Section 30 QME Panel Requests
- Section 31.1 QME Panel Selection Disputes in Represented Cases
- Section 100 The Application for Appointment as Qualified Medical Evaluator Form
- Section 104 The Reappointment Application as Qualified Medical Evaluator Form
- Section 105 The Request for Qualified Medical Evaluator Panel –Unrepresented Form
- Section 106 The Request for Qualified Medical Evaluator Panel – represented Form – for injuries occurring prior to January 1, 2005

DOCUMENTS SUPPORTING THE RULEMAKING FILE

Printouts of emails and correspondence to and from various interested parties concerning the Division's proposed changes have been added to the rulemaking file.

A Memorandum dated June 3, 2015 has been added to the rulemaking file listing the names of current Qualified Medical Evaluators currently certified by the DWC in clinical neuropsychology. Attached to the memorandum is list of board certified clinical neuropsychologists by the American Board of Clinical Neuropsychology and statistics from the Medical Unit database showing the number of panel requests in Psychology and in Clinical Neuropsychology.

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for 45-Day Comment Period:

The proposed text was indicated by single underlining, thus: added language. Deletions are indicated by single strikeout, thus: ~~deleted language~~.

Proposed Text Noticed for 15-Day Comment Period on Modified Text:

The proposed text is indicated by double underlining, thus: added language. Deletions are indicated by double strikeout, thus: ~~~~deleted language~~~~.

SUMMARY OF PROPOSED CHANGES

1. Section 30 QME Panel Requests

Subdivision (b) was amended to show the effective date of the online panel process and to specify the last day for receipt of paper panel requests by the Medical Unit. Subdivision (b)(4) is renumbered and amended to clarify that the time frames specified for submission is for the sole purpose of determining timeliness of requests pursuant to Labor Code section 4062.2 and not for the purpose of resolving specialty designation disputes. This section is amended to allow either party to strike a doctor after service of the panel list. Non-substantive grammatical changes were made with the addition of the word “on” instead of “of.”

2. Section 31.1 QME Panel Selection Disputes in Represented Cases

This section is amended to replace “may” with “shall” for resolving disputes with a Workers’ Compensation Judge. This section is also amended to add that either party may appeal the Medical Director’s decision as to the appropriateness of the specialty designation with a Workers Compensation Judge.

3. Section 100 The Application for Appointment as Qualified Medical Evaluator Form

This form is amended to add MAA Anesthesiology as a specialty category. MPA is amended to clarify that it is Pain Management.

4. Section 104 The Reappointment Application as Qualified Medical Evaluator Form

This form is amended to add MAA Anesthesiology as a specialty category. MPA is amended to clarify that it is Pain Management.

5. Section 105 The Request for Qualified Medical Evaluator Panel –Unrepresented Form

This form is amended to add MAA Anesthesiology as a specialty category. MPA is amended to clarify that it is Pain Management.

6. Section 106 The Request for Qualified Medical Evaluator Panel – represented Form = for injuries occurring prior to January 1, 2005

This form is amended to add MAA Anesthesiology as a specialty category. MPA is amended to clarify that it is Pain Management.