

PROVIDER SUSPENSION PROCEDURE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
General Comment	Commenter supports the proposed additions and revisions to these proposed regulations except as noted for section 9788.2(d).	Ellen Sims Langille, General Counsel Denise Niber, Claims and Medical Director California Workers' Compensation Institute (CWCI) December 11, 2017 Written Comment	The Division appreciates the support of the Institute. However, the Division disagrees with the comment regarding section 9788.2(d). See below.	No action.
9788.2(d)	<p>Commenter recommends the following revised language:</p> <p>(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 <u>DWC Legal Unit Department of Industrial Relations Anti-fraud Unit</u> 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.</p> <p>Commenter notes that 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. Commenter opines that unless this</p>	Ellen Sims Langille, General Counsel Denise Niber, Claims and Medical Director California Workers' Compensation Institute (CWCI) December 11, 2017 Written Comment	Disagree. First, the Division has the express authority in Labor Code section 139.21(b)(1) to regulate the suspension procedure. Service of a hearing request on a DIR unit internally designated to represent the Division in a suspension hearing is appropriate. Second, the Anti-fraud unit does exist and the Notice of Suspension will give its address so there can be no confusion as to its address.	No action.

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	proposed language is changed, a respondent could argue an inability to comply with 9788.2 (d), based on a mere technicality.			
9788.1	Commenter recommends that the Division provide the medical license number of providers suspended so that bill-reviewers and network providers can correctly identify the correct provider. She notes that many providers have relocated and have multiple addresses which make it difficult for them to correctly identify providers based on the name alone.	Lisa Anne Bickford Government Relations Coventry December 11, 2017 Oral Comment	Disagree. Pursuant to Labor Code section 139.21, the regulations are to describe the 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. Suspensions can be of individuals or groups who do not hold a medical license. There is no requirement that the regulations provide medical license numbers of those suspended. Even for physicians, because the grounds for suspension were other than revoking or surrendering a license, the	No action.

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			medical license number may not even be known. In addition, the DWC might encounter the same obstacles set forth in the comment in determining a provider's license number. Regardless, the Division is continuing its research into manners of provider identification that will best serve the system's stakeholders.	
9788.4	Commenter notes that recently the Division has added retroactive suspensions – from 2013, 2012 and so on. She states that this exacerbates the problem of identifying the correct medical provider by name alone and also raises the question of how to handle all of the bills that happened before the Division's current suspension notification date.	Lisa Anne Bickford Government Relations Coventry December 11, 2017 Oral Comment	Disagree. See comment directly preceding this one. These regulations address Labor Code section 139.21(a) – (d), only, and describe the suspension process for physicians, practitioners and providers. While billing issues are not within the scope of these regulations the Division will continue to work with claims administrators to ensure that physicians are accurately identified.	No action.
General Comment	Commenter would like to see a mechanism in these regulations for stakeholders that are aware of questionable UR work to report a	Diane Przepiorski California Orthopaedic Association	Disagree. These regulations address Labor Code section 139.21(a) – (d), only, and describe the suspension	No action.

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	QME or a provider to the Division for investigation.	December 11, 2017 Oral Comment	process for physicians, practitioners and providers. The issues raised by the commentator are not within the scope of these regulations. Regardless, the Division does have a formal procedure for reporting QME complaints. See http://www.dir.ca.gov/dwc/MedicalUnit/discipline.html . Complaints regarding medical providers or UR work should also be forwarded to the Division's Medical Unit.	
9788.3(f)	Commenter opines that in regard to investigation of panel QMEs during the last few years, it has taken a long time for them to go through the Division's investigation process and arrive at their day in court. Commenter states that there should be a very clear process for them to follow to obtain their day in court. Preferably very timely, along the line of what is specified herein, 10 calendar days.	Diane Przepiorski California Orthopaedic Association December 11, 2017 Oral Comment	Disagree. These regulations address Labor Code section 139.21(a) – (d), only, and describe the suspension process for physicians, practitioners and providers. The issues raised by the commentator are not within the scope of these regulations. The QME discipline procedures can be found at 8 C.C.R. section 60 through 65.	No action.