

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

FINAL STATEMENT OF REASONS

**Subject Matter of Regulations: Workers' Compensation – Predesignation of
Personal Physicians and Reporting Duties of the Primary Treating Physician**

**California Code of Regulations, Title 8, Article 5
Sections 9780, 9780.1, 9783, 9783.1, and 9785**

The Acting Administrative Director of the Division of Workers' Compensation (hereinafter "Acting Administrative Director") pursuant to the authority vested in her by Labor Code Sections 59, 133, 4603.5, and 5307.3 has amended regulations within Article 5 of Division 1, Chapter 4.5, Subchapter 1, of Title 8, California Code of Regulations, commencing with section 9780, relating to the relating to the predesignation of personal physicians; requests for change of physician; and, reporting duties of the primary treating physician. The list of amended regulations appears below:

Section 9780	Definitions.
Section 9780.1	Employee's Predesignation of Personal Physician.
Section 9783	DWC Form 9783 Predesignation of Personal Physician.
Section 9783.1	DWC Form 9783.1 Notice of Personal Chiropractor or Personal Acupuncturist.
Section 9785	Reporting Duties of the Primary Treating Physician.

**UPDATE OF INITIAL STATEMENT OF REASONS AND UPDATED INFORMATIVE
DIGEST**

As authorized by Government Code §11346.9(d), the Administrative Director hereby incorporates by reference the entire Initial Statement of Reasons prepared in this matter. Unless a specific basis is stated below for any modification to the regulations as initially proposed, the necessity for the amendments to existing regulations as set forth in the Initial Statement of Reasons continues to apply to the regulations as now adopted.

REQUEST FOR EFFECTIVE DATE OF JULY 1, 2014

The Division of Workers' Compensation requests that amendments made to the regulation text and incorporated by reference forms be made effective July 1, 2014 pursuant to Government Code section 11343.4(a). This will allow adjusting agencies time to update the modified forms in their computer systems. Allowing the modifications to the text and forms to be effective July 1, 2014 will allow the regulated public to change its processes to conform to the regulations.

THE FOLLOWING SECTION WAS AMENDED IN A NON-SUBSTANTIVE MANNER FOLLOWING THE PUBLIC HEARING, AND WITHOUT A 15-DAY COMMENT PERIOD

Section 9783. DWC Form 9783 Predesignation of Personal Physician.

In the first bullet point of the first paragraph, the word “insurance” was changed to “coverage” to conform to language in Labor Code section 4600(d)(1).

An extra line of underlined space was included after the newly inserted text “Name of Insurance Company, Plan, or Fund providing health coverage for nonoccupational injuries or illnesses:” to allow the employee to provide the required information.

A typographical error was corrected in the revision date of the form. (The revision date was shown as July 1, 2013 instead of July 1, 2014.)

LOCAL MANDATES DETERMINATION

- Local Mandate: None. The proposed regulations will not impose any new mandated programs or increased service levels on any local agency or school district. The proposed amendments do not apply to any local agency or school district.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None. The proposed amendments do not apply to any local agency or school district.
- Other nondiscretionary costs/savings imposed upon local agencies: None. The proposed amendments do not apply to any local agency or school district.

CONSIDERATION OF ALTERNATIVES

The Division considered all comments submitted during the public comment period. The Acting Administrative Director has now determined that no alternatives proposed by the regulated public or otherwise considered by the Division of Workers' Compensation would be more effective in carrying out the purpose for which these regulations were proposed, nor would they be as effective and less burdensome to affected private persons and businesses than the regulations that were adopted or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

SUMMARY OF COMMENTS RECEIVED AND RESPONSES THERETO CONCERNING THE REGULATIONS AS AMENDED

The Initial 45-day comment period on the proposed regulations was from August 23, 2013 through October 7, 2013. The comments of each organization or individual are addressed in the following chart.