

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

Deletions from the regulatory text, as previously proposed, are indicated by italic, bold, and double strike-through, thus: ~~deleted language~~.

Additions to the regulatory text, as previously proposed, are indicated by italic, bold, and double underline, thus: **added language**.

SUMMARY OF PROPOSED CHANGES

Modifications to Section 10225 Definitions

Throughout the regulations, the words “a workers’ compensation administrative law judge” are replaced with the words “the Workers’ Compensation Appeals Board.” This term is defined as the Appeals Board, commissioners, deputy commissioners, presiding workers’ compensation judges and workers’ compensation administrative law judges. The revision is necessary because compensation orders and awards to pay penalties due to a violation of Labor Code section 5814 may be issued by any of the entities defined as the Workers’ Compensation Appeals Board. Additionally, the previous definition (dd) of “workers’ compensation administrative law judge” has been deleted. The specific revisions to this section are listed below:

(g) “Compensation order” means any award, order or decision issued by ~~a workers’ compensation administrative law judge~~ ***the Workers’ Compensation Appeals Board*** or the Division of Workers’ Compensation vocational rehabilitation unit by which a party is entitled to payment of compensation.

(s) “Penalty award” means ~~an~~ ***final*** order or ***final*** award by ~~a workers’ compensation administrative law judge~~ ***the Workers’ Compensation Appeals Board*** to pay penalties due to a violation of section 5814 of the Labor Code

(dd) “Workers’ Compensation Appeals Board” means the Appeals Board, commissioners, deputy commissioners, presiding workers’ compensation judges and workers’ compensation administrative law judges.

Modifications to Section 10225.1 Schedule of Administrative Penalties Pursuant to Labor Code § 5814.6

Throughout this section, the words “a workers’ compensation administrative law judge” are replaced with the words “the Workers’ Compensation Appeals Board.” This term is defined as the Appeals Board, commissioners, deputy commissioners, presiding workers’ compensation judges and workers’ compensation administrative law judges. The revision is necessary because compensation orders and awards to pay penalties due to a violation of Labor Code section 5814 may be issued by any of the entities defined as the Workers’ Compensation Appeals Board.

Additionally, subdivision (g) (5) is revised. As previously drafted, there was a gap between the medicals costs of \$100 and \$101, \$300 and \$301, and \$500 and \$501. The revised language corrects the syntax problem. The revised subdivision is set forth below:

(5) For each penalty award by ~~a workers' compensation administrative law judge the~~ **Workers' Compensation Appeals Board** for a violation of Labor Code section 5814 for an unreasonable delay or refusal to reimburse an employee for self-procured medical treatment costs:

(A) \$ 1,000 for medical treatment costs ~~up to of~~ \$100 *or less*, excluding interest and penalty;

(B) \$ 2,000 for medical treatment costs of ~~\$101~~ *more than \$100* to \$300, excluding interest and penalty;

(C) \$ 3,000 For medical treatment costs of ~~\$301~~ *more than \$300* to \$500, excluding interest and penalty;

(D) \$ 5,000 for medical treatment costs of more than ~~\$500~~ *\$501*, excluding interest and penalty;

In subdivision (g)(8), the word “timely” was deleted (and replaced with the word “a”) to be consistent with the wording of the other subdivisions and because the word was unnecessary.