

The Workers' Compensation Appeals Board (WCAB) is proposing to reorganize and renumber its Rules of Practice and Procedure (Rules) which are found in the California Code of Regulations, title 8, commencing with section 10300.

The organizational structure initially adopted in 1966 no longer accommodates the number and complexity of rules adopted in the modern era. As a result of several comprehensive reforms of the workers' compensation system since 1966, the Rules are now 50 pages longer than they were in 1966 and cover multiple new procedures. For example, the Rules now include procedures for issuing sanctions, consolidation of cases, and appealing determinations of the Administrative Director. Because the existing organization does not have a logical or natural place for many of these new rules, it is often difficult to locate a particular rule. An additional consequence of the outdated organization of the rules is unnecessary duplication of rules in different articles and multiple rules covering the same or similar subjects.

With this reorganization, we plan to accomplish the following:

- Organize articles to reflect the order of events in a case.
- Eliminate duplicative rules.
- Break up complex rules.
- Simplify and modernize language of rules for clarity.
- Create some room between rules so that additional rules can be added in the future without need for decimals.

In general, we do not plan to change the substance of the vast majority of rules with this reorganization. However, we will propose substantive changes where a rule does not reflect current practice or when we believe substantive changes are necessary.

The informal public comment period will begin on Wednesday, June 12, 2019 and will end at 5pm on Friday, July 5, 2019. After the closure of the informal public comment period, the WCAB will take the informal comments into consideration and make any modifications to the proposed regulations that it deems appropriate. Thereafter, the WCAB will submit its package of proposed regulations to the Office of Administrative Law (OAL) to commence the formal public comment period, culminating in a public hearing. The WCAB will announce the beginning of the formal public comment period and the date of the public hearing in various ways, including on the Department of Workers' Compensation's Newsline.

The WCAB emphasizes that the draft regulations it is posting are tentative. As noted above, before the WCAB initiates the formal rulemaking process, we want to hear from you, the public, regarding the proposed changes to the regulations and we also want you to be able to benefit from reading and responding to the comments of others. We believe that this informal comment approach will help us refine the proposed regulations and aid us in the early identification of any serious problems or concerns. This approach also will expedite the regulatory process that must be implemented following this informal public comment period.

If you have not done so already, please review the basic rules for participation in this forum set forth on the WCAB forum page. Then read and comment on the proposed regulation package below. We thank you in advance for your participation.