



California Workers' Compensation Institute  
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February 25, 2022

VIA E-MAIL – [dwcrules@dir.ca.gov](mailto:dwcrules@dir.ca.gov)

Maureen Gray, Regulations Coordinator  
Division of Workers' Compensation  
1515 Clay Street, 18<sup>th</sup> Floor  
Oakland, CA 94612

**Re: Proposed Amendments to the Qualified Medical Evaluator Regulations  
– Second Forum**

Dear Ms. Gray:

These comments on proposed modifications to the text of rules related to the Qualified Medical Evaluator process are presented on behalf of members of the California Workers' Compensation Institute (the Institute). Institute members include insurers writing 78% of California's workers' compensation premium, and self-insured employers with \$89B of annual payroll (33.7% of the state's total annual self-insured payroll).

Insurer members of the Institute include AIG, Allianz Global Corporate and Specialty, AmTrust North America, Berkshire Hathaway, CHUBB, CNA, CompWest, CopperPoint Insurance Companies, Crum & Forster, EMPLOYERS, Everest Insurance, GUARD Insurance Companies, The Hanover Insurance Company, The Hartford, ICW Group, Liberty Mutual Insurance, North American Casualty Company, Preferred Employers Insurance, Republic Indemnity Company of America, Sentry Insurance, State Compensation Insurance Fund, Travelers, WCF National Insurance, Zenith Insurance, and Zürich North America.

Self-insured employer members include Albertsons/Safeway, BETA Healthcare Group, California Fair Services Authority, California Joint Powers Insurance Authority, California State University Risk Management Authority, Chevron Corporation, City and County of San Francisco, City of Los Angeles, City of Pasadena, City of Torrance, Costco Wholesale, County of Los Angeles, County of San Bernardino Risk Management, County of Santa Clara Risk Management, Dignity Health, Disneyland Resort, East Bay Municipal Utility District, Grimmway Farms, Kaiser Permanente, North Bay Schools Insurance Authority, Pacific Gas & Electric Company, Schools Insurance Authority, San Diego Gas and Electric, Shasta County Risk Management, Shasta-Trinity Schools Insurance Group, Southern California Edison, Southern California Gas, Special District Risk Management Authority, Sutter Health, United Airlines, and the University of California.

The Institute offers the following comments:

**Section 31.3:**

The Institute supports the extension of time to schedule an appointment from sixty (60) days to ninety (90) days and ninety (90) days to one hundred twenty (120) days. The proposed time periods better reflect the scheduling reality for many QMEs and will reduce the number of replacements issued. We also support the addition of “subsequent” evaluations to this section.

**Section 46.3(a)(1)(B):**

We recommend changing “telehealth” to “remote health” for consistency.

**Section 46.3(a)(2):**

Definitions are generally placed at the beginning of a regulation for clarity. We recommend moving the definition of “remote health” to Section 46.3(a)(1) and renumbering Section 46.3(a)(1) to Section 46.3(a)(2).

Thank you for the opportunity to comment. Please contact us if additional information would be helpful.

Sincerely,

***Sara Widener-Brightwell***

Sara Widener-Brightwell, General Counsel  
California Workers’ Compensation Institute

SWB/pm

cc: George Parisotto, DWC Administrative Director  
Katrina Hagen, DIR Executive Director  
CWCI Claims Committee  
CWCI Medical Care Committee  
CWCI Legal Committee  
CWCI Regular Members  
CWCI Associate Members