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STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF WORKERS' COMPENSATION

PUBLIC HEARING

Friday, April 23, 2010  
Elihu Harris State Office Building  
1515 Clay Street  
Oakland, California

**Destie Overpeck**  
Moderator  
DWC Chief Counsel

**Carrie Nevans**  
Acting Chief Deputy Administrative Director

**Jacqueline Schauer**  
Industrial Relations Counsel IV

Reported by: Kimberlee R. Miller

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I N D E X

MARY JO CASTRUCCIO

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Contra Costa County

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**PUBLIC HEARING**

**OAKLAND, CALIFORNIA**

**FRIDAY, APRIL 23, 2010 - 10:02 A.M.**

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MS. OVERPECK: Good morning. I think that we'll go ahead and get started today.

Thank you everyone for coming. This is the hearing on the Division of Workers' Compensation's Proposed Electronic and Standardized Medical Treatment Billing Regulations.

My name is Destie Overpeck. I'm the chief counsel. Sitting next to me is Carrie Nevans, the Administrative Director. This is Jackie Schauer, the attorney who has done the bulk of the work on these regulations, and Sue Honor, who is our Medical Unit Manager.

Also here today is Maureen Gray, who is our Regulations Coordinator. If you have any written comments you want to turn in this morning, just hand them to her right now, and she'll pick them up. And our court reporter is Kim Miller. If you are going to speak today, please give her a business card, if you have one, or write your name down and hand it to her so we get your name and the company that you represent correct.

The hearing today will last as long as there are people present who want to speak. I don't think it will go all day, but if it does, we will be here until five o'clock.

Written comments will be accepted up until 5:00 p.m. on Monday, April 26. That's actually the close of our 45-day comment period. You may deliver any comments up until that time by fax or e-mail, mail, hand delivery, but bring it -- if it's going to be hand delivered, please bring it to this office on the 17th floor.

The purpose of the hearing is to receive comments on the proposed regulations, and we welcome any comments that you have. Comments both oral and written receive the same weight. We will consider all of them in determining whether or not any additional changes are needed to these regulations. Please restrict any comments you have to the regulations themselves.

We don't expect to enter into any discussion with you today on them. However, we might ask questions if we need clarification on something you have said in your comments.

When you come up to speak for comments, please come up to the podium and speak into the microphone.

There are sign-in sheets at the front. Please make sure you signed in and checked the box "yes" if you want to comment. Everyone who signed in we'll be sure to include if we have any additional changes and as the rulemaking continues.

So I'm looking at what I was given as the sign-in sheet, and I don't see anyone who checked the yes box.

Is there anyone here who wants to comment?

(No response.)

1 MS. NEVANS: Come on.

2 MS. OVERPECK: I know. Really.

3 So what I would propose is that we wait another ten  
4 minutes, just go off the record, and if anyone comes in who  
5 wants to, then we'll start again.

6 (Recess taken.)

7 MS. OVERPECK: Let's go back on the record.

8 So it's about 10:17. A few more people have joined  
9 us. And when we started, we did not have anybody who wanted to  
10 make any oral comments. Has anybody changed their mind, or has  
11 anybody new come in?

12 Oh, great, please come up. You have to come up to the  
13 microphone, please. And if you have a card, if you could give  
14 to the court reporter, that would be very helpful.

15 **MARY JO CASTRUCCIO**

16 MS. CASTRUCCIO: Hello there. I'm Mary Jo Castruccio with  
17 Contra Costa County.

18 And I am just curious and just asking for  
19 clarification, I didn't see them in the proposed regs, if there  
20 is a change in the public entities self-administered employer  
21 to have the 60-days payment? It's not showing in here. We  
22 have 60 working days to make payments now?

23 MS. HONOR: I thought it was in there.

24 Are you sure that's not in there?

25 MS. CASTRUCCIO: I'm not sure, no.

1 MS. HONOR: I'm pretty sure it is in there. And if it's  
2 not, then it's a typo because --

3 MS. SCHAUER: Well, you're saying on the electronic  
4 payment. We did follow whatever the statute says. If the  
5 statute doesn't provide -- I don't think it does provide a  
6 different period for public entities on the electronic billing  
7 that -- we followed the statute.

8 MS. HONOR: On the paper billing there's 60 days, but  
9 there's nothing in the electronic billing statute that gives  
10 you a break on the 15 days.

11 MS. CASTRUCCIO: We are treated the same as insurers and  
12 private self-administered employers, right?

13 MS. OVERPECK: Under the statute, yes, so also in  
14 regulations.

15 MS. CASTRUCCIO: Thank you.

16 MS. OVERPECK: Anybody else?

17 (No response.)

18 MS. OVERPECK: Since nobody has said that they would like  
19 to make a comment, we will go ahead and close the hearing.

20 Thank you everyone for coming.

21 A reminder, you may send in comments until next  
22 Monday, April 26 at five o'clock. Thank you.

23 (Proceedings adjourned at 10:18 a.m.)

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R E P O R T E R ' S      C E R T I F I C A T E

I, Kimberlee Miller, Official Hearing Reporter for the  
State of California, Department of Industrial Relations,  
Division of Workers' Compensation, do hereby certify that the  
foregoing matter is a full, true and correct transcript of the  
proceedings taken by me in shorthand on the date and in the  
matter described on the first page thereof.

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Kimberlee R. Miller  
Official Hearing Reporter  
Workers' Compensation Appeals Board

Dated: April 29, 2010  
Sacramento, California  
/s/