



February 8, 2021

## **NOTIFICATION OF EMERGENCY REGULATORY RE-ADOPTION ACTION**

Subject: Re-adoption of QME Emergency Regulations §§ 46.2 and 36.7 in  
Response to COVID-19

The Department of Industrial Relations, Division of Workers' Compensation (DWC) is proposing to re-adopt emergency regulations affecting medical-legal evaluations and service of reports and documents related thereto. The re-adoption of the emergency regulations proposes to re-adopt Article 4 of Chapter 1, of title 8, California Code of Regulations, section 46.2 QME Emergency Regulations in Response to COVID-19 and Article 3 of Chapter 1, of title 8, California Code of Regulations, section 36.7 QME Electronic Service Emergency Regulation in Response to COVID-19 for an additional 210 days in accordance with Executive Orders N-40-20 and N-66-20. The regulations address the ongoing need for medical-legal evaluations and are intended to prevent a potential backlog of medical-legal evaluations resulting from various stay-at-home orders. These regulations will continue to help injured workers and employers move their workers' compensation claims towards a resolution and avoid additional or undue delay. The authority for the Division to take this action rests in Labor Code sections 133, 139.2, 5307.3, 5307.6, 4061 and 4062.

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency should provide a notice of the re-adoption of the emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed re-adoption of emergency regulations to OAL, OAL shall allow interested persons five calendar days to submit comments on the re-adoption of the emergency regulations as set forth in Government Code section 11349.6. Upon filing, OAL will have ten (10) calendar days within which to review and make a decision on the proposed emergency rule. If approved, OAL will file the regulations with the Secretary of State, and the emergency regulations will become effective for 210 days.

You may review the proposed regulatory language and Finding of Emergency on the [DWC's website](http://www.dir.ca.gov/dwc/dwcRulemaking.html) at the following address: <http://www.dir.ca.gov/dwc/dwcRulemaking.html>.

If you have any questions regarding this proposed emergency action, please contact Maureen Gray at [mgray@dir.ca.gov](mailto:mgray@dir.ca.gov) or (510) 286-0676.