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NEWSLINE

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DWC Emergency Rulemaking Regulations for Medical-Legal Reporting in Response to COVID-19 are in Effect

The Division of Workers' Compensation (DWC) announces its emergency regulations for medical-legal evaluations became effective on May 14, 2020 and will expire on January 12, 2021 (in accordance with Executive Order N-40-20) with two possible 150-day extensions, if Executive Order N-40-20 remains in effect. The emergency regulations can be found on the DWC [website](#).

DWC filed the emergency regulations with the state's Office of Administrative Law (OAL) on May 4, 2020 and received public comment on the regulations through May 12, 2020. Based on public comments and feedback from OAL, slight edits were made to the regulations. The edits include § 78 was renumbered to § 46.2. Slight edits were also made to § 46.2(a) removing "and remunerated"; § 46.2(a)(2)(A) providing for clarification regarding form 110; § 46.2(a)(3)(E) providing the attestation be "in writing"; and § 46.2(e) providing for an assessment of stay-at-home orders in the jurisdiction where the injured worker resides or where the evaluation occurs. Slight edits were made to § 36.7(d) providing clarification of form 122 and § 36.7(e) changed the reference to regulation § 39 to § 39.5.

These emergency regulations will help injured workers and employers continue to move their workers' compensation claims towards a resolution and avoid additional and undue delay. The regulations concern how medical-legal evaluations may occur during this emergency period. Also provided in the regulations are alternative forms of service for required forms related to medical-legal evaluations and reports.

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