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N E W S L I N E

Newsline No.: 2021-52

Date: April 29, 2021

DWC Posts Proposed Amendments to the Qualified Medical Evaluator Regulations to Online Forum for Public Comment

The Division of Workers' Compensation (DWC) has [posted](#) proposed amendments to the Qualified Medical Evaluator (QME) regulations to its online forum where members of the public may review and comment on the proposals.

The proposed changes are necessary to bring existing regulations into compliance with amendments to the Labor Code and to clarify the Administrative Director's authority with respect to the processes related to appointment and reappointment of Qualified Medical Evaluators, which is granted by relevant statutory authority.

The draft regulations include:

- Clarification of regard to definitions to conform to changes made by Senate Bill 863
- Provisions prohibiting providing false information on the application or reapplication for appointment
- Provisions to conform amended regulations with proper gender pronouns
- Provisions for electronic service of medical-legal reports and use of electronic signatures in the QME program
- Revision of the number of hours necessary for initial qualification of physicians as QMEs
- Revision of continuing education requirements including hourly requirements and the addition of anti-bias training for QMEs
- Provisions that require a QME to comply with all Administrative Director's regulations in order to be reappointed as a QME. There is also a new regulation that provides a specific implementation of existing discretionary authority of the Administrative Director pursuant to Labor Code § 139.2
- Clarification of the use of probation as a disciplinary sanction and allowing the Administrative Director to designate hearing officers for adjudication of disputes regarding appointment and reappointment applications
- Clerical changes to the regulation on QME unavailability
- Provisions allowing QME reappointment hearings to be heard by other tribunals in addition to the Office of Administrative Hearings

- Regulations that are consolidated into new subdivisions are repealed.

The forum can be found on the DWC forums [webpage](#) under “current forums.” Comments can be submitted to DWCrules@dir.ca.gov and will be accepted until 5 p.m. on Friday, May 14, 2021.

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