

State of California
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Workers' Compensation

**NOTICE OF MODIFICATION TO TEXT OF
PROPOSED REGULATIONS**

**Medical Provider Networks, Employee Information, and Workers' Compensation Claim
Form (DWC 1) and Notice of Potential Eligibility**

**Title 8, California Code of Regulations, Sections 9767.3, 9767.8, 9767.12, 9767.16, 9880,
9881, 9881.1**

NOTICE IS HEREBY GIVEN, pursuant to Government Code section 11346.8(c) that the Acting Administrative Director of the Division of Workers' Compensation, proposes to modify the text of the following proposed amendments to Title 8, California Code of Regulations:

Section 9767.3	Application for a Medical Provider Network Plan
Section 9767.12	Employee Notification
Section 9767.16	Notice of Employee Rights Upon Termination or Cessation of Use of Medical Provider Network

The Division also proposes to modify the text of the following proposed amendments to Title 8, California Code of Regulations:

Section 9881.1	Notice to Employees Poster
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**PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION
OF WRITTEN COMMENTS**

Members of the public are invited to present written comments regarding this proposed modification. **Only comments concerning the proposed modification to the text of the regulation will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Maureen Gray, Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations no later than 5:00 p.m. on May 6, 2010.

Written comments may be submitted by facsimile transmission (FAX), addressed to the contact

Notice of Second 15-Day Comment Period and Changes to Proposed Text:
8 CCR §§ 9767.3, 9767.12, 9767.16, 9881.1

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person at (510) 286-0687. Written comments may also be sent electronically (via e-mail), using the following e-mail address: dwcrules@dir.ca.gov

Due to the inherent risks of non-delivery by facsimile transmission, the Administrative Director suggests, but does not require, that a copy of any comments transmitted by facsimile transmission also be submitted by regular mail.

Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text, the modified text with modifications clearly indicated and the entire rulemaking file, are currently available for public review during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, at the offices of the Division of Workers' Compensation. The Division is located at 1515 Clay Street, 17th Floor, Oakland, California. Please contact the Division's regulations coordinator, Ms. Maureen Gray, at (510) 286-7100 to arrange to inspect the rulemaking file.

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for 45-Day Comment Period:

Deletions from the original codified regulatory text noticed for the 45-comment period are indicated by single strike-through: ~~deleted language~~.

Additions to the original codified regulatory text noticed for the 45-comment period are indicated by single underlining: deleted language.

Proposed Text Noticed for First 15-Day Comment Period on Modified Text:

Newly proposed deletions are indicated by double strike-through: ~~~~deleted language~~~~.

Newly proposed additions are indicated by double underlining: added language.

Proposed Text Noticed for This 15-Day Comment Period on Modified Text:

Newly proposed deletions are indicated by italics and double strike-through: ~~*deleted language*~~.

Newly proposed additions are indicated by bolded italics: ***added language***.

SUMMARY OF PROPOSED CHANGES

- **Modifications to Section 9767.3 - Application for a Medical Provider Network Plan**

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The section is modified to further the intent of the rulemaking to streamline the MPN information required.

Subdivision (d)(8)(L) is revised to add the requirement for disclosure of any economic profiling policy used by any entity contracted with the MPN or MPN Applicant to conduct economic profiling of MPN providers.

- **Modifications to Section 9767.12 – Employee Notification**

In response to comments received, the section has been modified.

Subdivision (a) is revised to add that notices are to be given in Spanish “where there are Spanish-speaking employees.”

Subdivision (a)(5) is revised to require the email address of the MPN Contact in the notice instead of making it optional.

Subdivision (b) is revised to require the email address of the MPN Contact in the notice.

Subdivision (c) is revised to state that the employer shall ensure the required notice is provided to employees.

Subdivision (d) is revised to require that the complete MPN employee notification shall be provided and posted in Spanish “where there are Spanish-speaking employees.”

Subdivision (e) is revised to state that the employer shall ensure the required notice is provided to employees.

Subdivision (f)(1) is revised to clarify that a toll-free telephone number be provided “with access to the MPN Contact.”

Subdivision (f)(3) is revised to require that if a listed provider becomes deceased or is no longer treating workers’ compensation patients, that the provider shall be taken off the list within 30 days. In addition, the subdivision has been revised to require that each provider listing include a contact phone number and email address for the reporting of provider listing inaccuracies.

Subdivision (g) is revised to clarify that notices are to be given in Spanish “where there are Spanish-speaking employees.”

- **Modifications to Section 9767.16: Notice of Employee Rights Upon Termination or Cessation of Use of Medical Provider Network**

In response to comments received, the section has been modified.

Subdivision (a) is revised to add that notices are to be given in Spanish “where there are Spanish-speaking employees.”

Subdivision (a)(1)(C) is revised to require the email address of the MPN Contact in the notice.

Subdivision (a)(2) is revised to require the email address of the MPN Contact in the notice.

Subdivision (a)(3) is revised to state that the employer shall ensure the required notice is provided to employees.

Subdivision (b)(5) is revised to require the email address of the MPN Contact in the notice.

Subdivision (c) is revised to require the email address of the MPN Contact in the notice.

Subdivision (e) is revised to add that notices are to be given in Spanish “where there are Spanish-speaking employees.”

Subdivision (f) is revised to state that the employer shall ensure the required notice is provided to employees.

Modifications to Section 9881.1: Notice to Employees Poster

The sentence at the bottom of the English and Spanish poster referring to the DWC website for further information is revised to delete the existing DWC website URL and replace it with the updated URL, “www.dwc.ca.gov”.

The footer with the revision date at the bottom of the English and Spanish poster is revised to “4/10.”