

## **SPECIAL REPORT: 2015 LEGISLATION AND REGULATIONS ON HEALTH AND SAFETY AND WORKERS' COMPENSATION**

This Special Report outlines the 2015 legislation and regulations related to health and safety and workers' compensation.

### **HEALTH AND SAFETY**

#### **Health and Safety Legislation**

The following describes the health and safety bills signed into law in 2015, as reported on the website of the Legislative Counsel of California at <http://leginfo.legislature.ca.gov> (formerly [www.leginfo.ca.gov](http://www.leginfo.ca.gov)). To research legislation enacted into law in previous years, please consult CHSWC annual reports from prior years, which are available online at: <http://www.dir.ca.gov/chswc/AnnualReportpage1.html>.

#### **AB 266—Assembly Member Bonta**

**Amends Sections 27 and 101 of, to add Section 205.1 to, and to add Chapter 3.5 (commencing with Section 19300) to Division 8 of, the Business and Professions Code, to amend Section 9147.7 of the Government Code, to amend Section 11362.775 of the Health and Safety Code, to add Section 147.5 to the Labor Code, and to add Section 31020 to the Revenue and Taxation Code, relating to medical marijuana.**

**Medical marijuana.**

**Status: Enrolled 9/23/2015 and Chaptered 10/9/2015.**

**[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB266](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB266)**

**Summary:** (1) Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill, among other things, enacts the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and would establish within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the Director of Consumer Affairs. The bill requires the director to administer and enforce the provisions of the act.

This bill also requires the Board of Equalization, in consultation with the Department of Food and Agriculture, to adopt a system for reporting the movement of commercial cannabis and cannabis products.

This bill imposes certain fines and civil penalties for specified violations of the act and requires moneys collected as a result of these fines and civil penalties to be deposited into the Medical Cannabis Fines and Penalties Account.

(2) Under existing law, certain people with identification cards, who associate within the state in order collectively or cooperatively to cultivate marijuana for medical purposes, are not solely on the basis of that fact subject to specified state criminal sanctions.

This bill repeals these provisions upon the issuance of licenses by licensing authorities pursuant to the Medical Marijuana Regulation and Safety Act, as specified, and provides instead that actions of licensees

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with the relevant local permits, in accordance with the act and applicable local ordinances, are not offenses subject to arrest, prosecution, or other sanction under state law.

(3) This bill provides that its provisions are severable.

(4) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill makes legislative findings to that effect.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(6) The bill provides that it shall become operative only if SB 643 and AB 243 of the 2015–16 Regular Session are also enacted and become operative.

**SB 84—Committee on Budget and Fiscal Review. State Government.  
Amends Section 7314 and Section 6309 of the Labor Code, among other non-health and safety changes.**

**Status: Enrolled 6/23/2015 and Chaptered 6/24/2015.**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB84](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB84)

**Summary:** Under existing law, the Occupational Safety and Health Act of 1973, the Division of Occupational Safety and Health investigates complaints that a workplace is not safe and may issue orders necessary to ensure employee safety. The act requires the division to investigate a complaint as soon as possible, but not later than 3 working days after receipt of a complaint charging a serious violation, as specified, and not later than 14 calendar days after receipt of a complaint charging a nonserious violation. Existing law requires the division to maintain the capability to receive and act upon complaints at all times.

Among the provisions, this bill requires the division to prioritize investigations of reports of accidents involving death or serious injury or illness and complaints that allege a serious violation over investigations of complaints that allege a nonserious violation.

Existing law also requires the Division of Occupational Safety and Health to cause the inspection of all public conveyances, including elevators, dumbwaiters, and escalators, at least once a year. Existing law authorizes the division to fix and collect fees to cover the actual costs of having the inspection performed by a division safety engineer and the costs related to regulatory development. Existing law requires these fees to be set forth in regulations and to be deposited in the Elevator Safety Account in the General Fund.

Also among the provisions, this bill, for the 2015–16 fiscal year, suspends the fee for the annual and biennial inspection of conveyances on a one-time basis. For the 2016–17 fiscal year and for every fiscal year thereafter, it authorizes the Director of Industrial Relations, upon concurrence of the Department of Finance to suspend or reduce this fee on a one-time basis in order to reduce the amount of moneys in the Elevator Safety Account. The bill exempts the suspension or reduction of the fee from the Administrative Procedure Act.

**SB 421—Senator Hancock.**

**Amends Section 7873 of the Labor Code, relating to refineries.**

**Refineries: turnarounds.**

**Status: Enrolled 9/3/2015 and Chaptered 9/21/2015.**

**Summary:** Existing law requires a petroleum refinery employer to, every September 15, submit to the Division of Occupational Safety and Health information regarding planned turnarounds, as defined, for the following calendar year and provide onsite access to the division for inspection. Existing law establishes procedures for the public disclosure of turnaround information designated a trade secret, including authorization for a petroleum refinery employer to seek a declaratory judgment to prevent disclosure. Existing law requires a court to award attorney's fees to a party that prevails in an action to compel or prohibit the division from disclosing turnaround information.

This bill deletes the requirement that a person requesting the release of the above-described information, or a petroleum refinery employer seeking to prevent disclosure, name the other as a real party in interest in an applicable action. The bill deletes the requirement that a person requesting release of this information provide notice of an action to compel disclosure to the petroleum refinery employer and instead requires the division to provide that notification. The bill instead authorizes the person to intervene in a petroleum refinery employer's declaratory relief action and require the court to permit that person to intervene. The bill also requires the court to allow the petroleum refinery employer to intervene in that action. The bill also deletes the requirement that the court award attorney's fees.

### **Health and Safety Regulations**

The regulatory activities of the Occupational Safety and Health Standards Board (OSHSB) and any Division of Occupational Safety and Health (DOSH) regulations are outlined below. Formal rulemaking is preceded by a notice, the release of a draft rule, and an announcement for a public hearing. This update covers regulations for 2015.

Approved Occupational Safety and Health Standards Board (OSHSB) standards are available at:

<http://www.dir.ca.gov/OSHSB/apprvd.html>

Proposed OSHSB standards and rulemaking updates are available at:

<http://www.dir.ca.gov/OSHSB/proposedregulations.html>

Approved Division of Occupational Safety and Health (DOSH) regulations are available at:

[http://www.dir.ca.gov/dosh/rulemaking/dosh\\_rulemaking\\_approved.html](http://www.dir.ca.gov/dosh/rulemaking/dosh_rulemaking_approved.html)

Proposed Division of Occupational Safety and Health (DOSH) regulations are available at:

<http://www.dir.ca.gov/dosh/doshreg/mainregs.html>

Regulations in Title 8 of the California Code of Regulations (CCR) are available at:

<http://www.dir.ca.gov/samples/search/query.htm>.

In 2010, the Occupational Safety & Health Standards Board (OSHSB) launched the Title 8 index, available at:

<http://www.dir.ca.gov/title8/index/t8index.html>

Under CCR, Title 8, Chapter 3.2, DOSH promulgates regulations for the administration of the safety and health inspection program, such as posting, certification, and registration requirements. Under CCR, Title 8, Chapter 4, OSHSB promulgates health and safety orders organized by industry, process, and equipment in distinct subchapters, which are then enforced by DOSH.

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2015 OSHSB Regulations	Status of Regulations (as of November 5, 2015)
<p><b>Personal Protective Devices and Safeguards</b></p>	<p><b>Filed with Secretary of State: Dec. 1, 2014. Effective Apr. 1, 2015.</b></p> <p><b>CONSTRUCTION SAFETY ORDERS,</b> Section 1514</p> <p><b>GENERAL INDUSTRY SAFETY ORDERS,</b> Section 3380</p> <p>Amends Construction Safety Orders and General Industry Safety Orders to provide consistency and clarity for the approval and marking requirements of personal protective equipment, and for compliance with Title 8 safety standards.</p> <p><a href="https://www.dir.ca.gov/oshsb/Personal_protective_devices_and_safeguards.html">https://www.dir.ca.gov/oshsb/Personal_protective_devices_and_safeguards.html</a></p>
<p><b>Cranes and Derricks in Construction Operator Certification Effective Dates and Phase-In (Federal Time Extension) Horcher</b></p>	<p><b>Filed with Secretary of State: Apr. 30, 2015. Effective Apr. 30, 2015.</b></p> <p><b>CONSTRUCTION SAFETY ORDERS,</b> Section 1618.1(e)</p> <p>Modifies effective and applicable dates to November 10, 2017.</p> <p><a href="https://www.dir.ca.gov/oshsb/CDAC_Operator_Certification_Effective_Dates_and_Phase-In_(Federal_Time_Extension)_Horcher.html">https://www.dir.ca.gov/oshsb/CDAC_Operator_Certification_Effective_Dates_and_Phase-In_(Federal_Time_Extension)_Horcher.html</a></p>
<p><b>Multi-Story Skeletal Steel Construction-Metal Decking Replacement—Horcher</b></p>	<p><b>Filed with Secretary of State: Aug. 27, 2015. Effective Aug. 27, 2015.</b></p> <p><b>CONSTRUCTION SAFETY ORDERS,</b> Section 1710</p> <p>Amends Construction Safety Orders to require metal decking to be laid tightly and immediately secured upon placement to prevent accidental movement or displacement.</p> <p><a href="http://www.dir.ca.gov/OSHSB/Multi-Story_skeletal_steel_construction-Metal_decking_replacement_-_Horcher.html">http://www.dir.ca.gov/OSHSB/Multi-Story_skeletal_steel_construction-Metal_decking_replacement_-_Horcher.html</a></p>
<p><b>Landing Operations—Note to Section 1903</b></p>	<p><b>Filed with Secretary of State: Oct. 2, 2014. Effective Jan. 1, 2015.</b></p> <p><b>CONSTRUCTION SAFETY ORDERS,</b> Section 1903</p> <p>Clarifies an exception in the rule.</p> <p><a href="https://www.dir.ca.gov/oshsb/Landing_operations_-_note_to_section_1903.html">https://www.dir.ca.gov/oshsb/Landing_operations_-_note_to_section_1903.html</a></p>

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2015 OSHSB Regulations	Status of Regulations (as of November 5, 2015)
<p><b>Electrical Equipment in Hazardous (Classified) Locations</b></p>	<p><b>Filed with Secretary of State: Jul. 6, 2015. Effective Oct. 1, 2015.</b></p> <p><b>GENERAL INDUSTRY SAFETY ORDERS,</b> Sections 5530, 5568, 5572, 5574, 5575, and 5621</p> <p><b>ELECTRICAL SAFETY ORDERS,</b> Sections 2540.7 AND 2540.8</p> <p>Changes the classification of flammable and combustible liquids from Class I, II, III to the corresponding Category 1, 2, 3, 4, in line with the terminology used in the Globally Harmonized System (GHS). There are changes to Electrical Safety Orders to be consistent with the General Industry Safety Orders. Also harmonizes Title 8 requirements for electrical installations and the method of delineation of hazardous (classified) locations with building standards in California Code of Regulations, Title 24.</p> <p><a href="https://www.dir.ca.gov/oshsb/Electrical_equipment_in_hazardous_(classified)_locations.html">https://www.dir.ca.gov/oshsb/Electrical_equipment_in_hazardous_(classified)_locations.html</a></p>
<p><b>Heat Illness Prevention</b></p>	<p><b>Filed with Secretary of State: Apr. 3, 2015. Effective May 1, 2015.</b></p> <p><b>GENERAL INDUSTRY SAFETY ORDERS,</b> Sections 3395</p> <p>Qualifies the access to potable water and further requires the water to be free, fresh, and cool. Clarifies the amount of shade and the number of employees who should have access to the shade. Amends temperature thresholds, adds the monitoring of employees with symptoms, and adds authorization of employees to call for emergency medical services, among other changes.</p> <p><a href="https://www.dir.ca.gov/oshsb/Heat_illness_prevention.html">https://www.dir.ca.gov/oshsb/Heat_illness_prevention.html</a></p>

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2015 OSHSB Regulations	Status of Regulations (as of November 5, 2015)
<p><b>Private Fire Brigades—Foot Protection</b></p>	<p><b>Filed with Secretary of State: Aug. 28, 2015. Effective Oct. 1, 2015.</b></p> <p><b>GENERAL INDUSTRY SAFETY ORDERS,</b> Section 3411</p> <p>Adds alternative standard for protective footwear and boots.</p> <p><a href="https://www.dir.ca.gov/OSHSB/Private_Fire_Brigades-Foot_Protection.html">https://www.dir.ca.gov/OSHSB/Private_Fire_Brigades-Foot_Protection.html</a></p>
<p><b>Agricultural Personnel Transport Carriers</b></p>	<p><b>Filed with Secretary of State: Sept. 14, 2015. Effective Jan. 1, 2016.</b></p> <p><b>GENERAL INDUSTRY SAFETY ORDERS,</b> Sections 3437, 3441, and 3664(b)</p> <p>Amends to allow passenger employees in agricultural personnel carriers for the purposes of installing, removing, and maintaining irrigation pipe.</p> <p><a href="http://www.dir.ca.gov/oshsb/Agricultural_Personnel_Transport_Carriers.html">http://www.dir.ca.gov/oshsb/Agricultural_Personnel_Transport_Carriers.html</a></p>
<p><b>Stationary and Mobile Compaction Equipment and Balers</b></p>	<p><b>Filed with Secretary of State: Apr. 30, 2015. Effective Jul. 1, 2015.</b></p> <p><b>GENERAL INDUSTRY SAFETY ORDERS,</b> Sections 4345, 4351, 4352, and 4354</p> <p>Amends to require trash handling, compaction, and baler equipment placed in service on or after April 1, 2015, to have a mark stating that is was designed and constructed according to the ANZI safety standard. Equipment in service before April 1, 2015, is required to have a mark stating the standard it met at the time it was constructed. Adds definitions and adds safety equipment requirements for drivers.</p> <p><a href="https://www.dir.ca.gov/oshsb/Stationary_and_mobile_compaction_equipment_and_balers.html">https://www.dir.ca.gov/oshsb/Stationary_and_mobile_compaction_equipment_and_balers.html</a></p>
<p><b>Airborne Contaminants, Hydrogen Chloride</b></p>	<p><b>Filed with Secretary of State: Nov. 26, 2014. Effective Jan. 1, 2015.</b></p> <p><b>GENERAL INDUSTRY SAFETY ORDERS</b> Section 5155</p> <p>Lowers the permissible exposure limit and deletes the term “muriatic acid.”</p> <p><a href="https://www.dir.ca.gov/oshsb/Airborne_contaminants_Hydrogen_Chloride.html">https://www.dir.ca.gov/oshsb/Airborne_contaminants_Hydrogen_Chloride.html</a></p>

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2015 OSHSB Regulations	Status of Regulations (as of November 5, 2015)
<p><b>Storage Battery Systems and Changing and Charging Storage Batteries</b></p>	<p><b>Filed with Secretary of State: Jul. 30, 2015. Effective Oct. 1, 2015.</b></p> <p><b>GENERAL INDUSTRY SAFETY ORDERS,</b> Sections 5184 and 5185</p> <p>Defines storage battery systems and modifies how they should be stored, maintained, and handled.</p> <p><a href="https://www.dir.ca.gov/oshsb/Storage_battery_systems_and_changing_and_charging_storage_batteries.html">https://www.dir.ca.gov/oshsb/Storage_battery_systems_and_changing_and_charging_storage_batteries.html</a></p>
<p><b>Update of Title 8 General Industry National Fire Protection Association (NFPA) Fire Protection Standards</b></p>	<p><b>Filed with Secretary of State: Dec. 2, 2014. Effective Apr. 1, 2015.</b></p> <p><b>GENERAL INDUSTRY SAFETY ORDERS,</b> Sections 5620, 6165, 6180, 6181, 6182, 6183, and 6184</p> <p>Amends sections to read consistently for systems and equipment to be designed, installed, and maintained “in an approved manner” and adds a note referring to NFPA.</p> <p><a href="https://www.dir.ca.gov/oshsb/Update_of_Title_8_general-industry_national_fire_protection_association_(NFPA)_fire_protection_standards.html">https://www.dir.ca.gov/oshsb/Update_of_Title_8_general-industry_national_fire_protection_association_(NFPA)_fire_protection_standards.html</a></p>
<p><b>Water Supply—Access to Drinking Cups—Horcher</b></p>	<p><b>Filed with Secretary of State: Aug. 27, 2015. Effective Aug. 27, 2015.</b></p> <p><b>SHIP BUILDING, SHIP REPAIRING AND SHIP BREAKING ORDERS,</b> Section 8397.4(b)</p> <p>Amends section to specify the ways the employer is to dispense water and prohibits shared cups and bottles.</p> <p><a href="https://www.dir.ca.gov/OSHSB/Water_Supply_-_Access_to_Drinking_Cups_-_Horcher.html">https://www.dir.ca.gov/OSHSB/Water_Supply_-_Access_to_Drinking_Cups_-_Horcher.html</a></p>
2015 DOSH Regulations	Status of Regulations (as of October 8, 2015)
<p><b>Recordkeeping Partial Exemption List</b></p>	<p><b>Filed with Secretary of State: Aug. 20, 2015. Effective Jan. 1, 2016</b></p> <p><b>Partial Exemption for Establishments in Certain Industries.</b> Section 14300.2</p>

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<b>2015 OSHSB Regulations</b>	<b>Status of Regulations (as of November 5, 2015)</b>
	<p>Amends required industries subject to occupational injury and illness recording and reporting requirements in order to conform with corresponding federal regulations, as required of all State Plan states.</p> <p><a href="https://www.dir.ca.gov/dosh/doshreg/Recordkeeping-partial-exemption-list/">https://www.dir.ca.gov/dosh/doshreg/Recordkeeping-partial-exemption-list/</a></p>

## WORKERS' COMPENSATION

### Workers' Compensation Legislation

The following describes the workers' compensation bills that were signed into law in 2015, as reported on the website of the Legislative Counsel of California at <http://leginfo.legislature.ca.gov/> (formerly [www.leginfo.ca.gov](http://www.leginfo.ca.gov/)). To research legislation enacted into law in previous years, please consult prior year CHSWC annual reports, available online at: <http://www.dir.ca.gov/chswc/AnnualReportpage1.html>.

#### **AB 202—Assembly Member Gonzalez**

**Adds Section 2754 to the Labor Code, relating to employment.**

**Professional sports teams: cheerleaders: employee status.**

**Status: Enrolled 7/9/2015 and Chaptered 7/15/2015.**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB202](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB202)

**Summary:** Existing law prescribes comprehensive requirements relating to minimum wages, overtime compensation, and standards for working conditions for the protection of employees applicable to an employment relationship.

Existing law requires employers to make specified payments and withholdings from wages paid to employment to and to file reports of wages and make contributions for unemployment insurances and the employment administering the state's payroll taxes.

Existing law, the California Fair Employment and Housing Act, makes it an unlawful employment practice for an employer, unless based upon a bona fide occupational qualification or, except where based upon applicable security regulations to refuse to hire or employ a person or to refuse to select a person for a training program leading to employment, or to bar or discharge a person from employment or from a training program leading to employment, or to discriminate against a person in compensation or in terms, conditions, or privileges of employment because of the person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

This bill, for purposes of all of the provisions of state law that govern employment, including the Labor Code, the Unemployment Insurance Code, and the California Fair Employment and Housing Act, requires a cheerleader who is utilized by a California-based professional sports team during its exhibitions, events, or games to be deemed an employee. The bill also requires the professional sports team to ensure that the cheerleader is classified as an employee.

Because a violation of specified employment laws, including wage and hour laws, that would apply to California-based professional sports teams utilizing cheerleaders would be a crime, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill provides that no reimbursement is required by this act for a specified reason.

#### **AB 438—Assembly Member Chiu.**

**Amends Section 124 of the Labor Code, relating to state government.**

**State government: workers' compensation: compensation.**

**Status: Enrolled 9/18/2015 and Chaptered 10/6/2015.**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB438](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB438)

**Summary:** Existing law establishes a workers' compensation system, administered by the Administrative Director of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law establishes, in the Department of Industrial Relations, a Division of

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Workers' Compensation to administer those provisions. In administering and enforcing those provisions, existing law requires the division to protect the interests of injured workers and requires all forms and notices to be given to employees by the division to be in English and Spanish.

This bill requires the Department of Industrial Relations and the Division of Workers' Compensation to make specified forms, notices, and fact sheets available in Chinese, Tagalog, Korean, and Vietnamese. The bill also requires the Administrative Director to make recommendations regarding any other documents that should be translated into languages other than English, as specified, and require the department and the division to submit the recommendations and any translated documents to the Legislature, as specified.

### **AB 679—Assembly Member Allen**

**Amend Section 11165.1 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.  
Controlled substances.**

**Status: Enrolled 9/23/2015 and Chaptered 10/11/2015.**

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB679](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB679)

**Summary:** Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. Existing law authorizes the Department of Justice to provide the history of controlled substances dispensed to an individual to a licensed health-care practitioner, pharmacist, or both, providing care or services to the individual. By January 1, 2016, or upon licensure in the case of a pharmacist, or upon receipt of a federal Drug Enforcement Administration registration in the case of another health-care practitioner authorized to prescribe, order, administer, furnish, or dispense controlled substances, whichever respective event occurs later, existing law requires those people to apply to the Department of Justice to obtain approval to access information contained in the CURES database regarding the controlled substance history of a patient under his or her care.

This bill extends those January 1, 2016, deadlines to July 1, 2016.

This bill declares that it is to take effect immediately as an urgency statute.

### **AB 822—Assembly Member Cooley.**

**Adds Section 1063.18 to the Insurance Code, relating to insurance.**

**Insurance: California Insurance Guarantee Association: insolvency.**

**Status: Enrolled 7/2/2015 and Chaptered 7/14/2015.**

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB822](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB822)

**Summary:** Existing law creates the California Insurance Guarantee Association (CIGA) and requires all insurers admitted to transact insurance in this state to become members. Existing law requires CIGA to collect premium payments from members and to discharge covered claims, as defined, of an insolvent insurer. CIGA is required to allocate its claim payments and costs based on categories of insurance, including, but not limited to, workers' compensation claims and homeowners' claims.

This bill provides that the laws described above governing CIGA do not require a final determination of a claim in an insolvent insurer's liquidation proceeding before a covered claim may be submitted to CIGA. The bill provides that these laws also do not require a claim to first be determined and approved by the liquidator before CIGA pays and discharges a covered claim. The bill also provides that if the association provides written denial of a non-workers' compensation claim, the person asserting the claim against the association has one year to bring an action challenging the denial, including an action for declaratory relief. This bill also requires, if the written denial is based on a failure to exhaust other insurance available to pay the claim, a claim to be reasserted against the association within six months after all other insurance has been exhausted.

**AB 1124—Assembly Member Perea.**

**Amends Sections 4600.1, 4600.2, and 5307.27 of, and to add Sections 5307.28 and 5307.29 to, the Labor Code, relating to workers' compensation.**

**Workers' compensation: prescription medication formulary**

**Status: Enrolled 9/25/2015 and Chaptered 10/6/2015.**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1124](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1124)

**Summary:** Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. The Administrative Director is authorized to adopt, amend, or repeal, after public hearings, any rules and regulations that are reasonably necessary to enforce the state workers' compensation provisions, except when that power is specifically reserved to the Workers' Compensation Appeals Board. Existing law requires the Administrative Director to adopt a medical treatment utilization schedule that addresses the frequency, duration, intensity, and appropriateness of all common treatments performed in workers' compensation cases.

This bill requires the Administrative Director to establish a drug formulary, on or before July 1, 2017, as part of the medical treatment utilization schedule, for medications prescribed in the workers' compensation system. The bill requires the Administrative Director to meet and consult with stakeholders, as specified, prior to the adoption of the formulary. The bill requires the Administrative Director to publish at least two interim reports on the Web site of the Division of Workers' Compensation, describing the status of the creation of the formulary, commencing July 1, 2016, until the formulary is implemented. The bill requires the Administrative Director to update the formulary on at least a quarterly basis to allow for the provision of all appropriate medications, including medications new to the market. The bill exempts an order updating the formulary from the Administrative Procedure Act and other provisions, as specified. The bill requires the Administrative Director to establish an independent pharmacy and therapeutics committee to review and consult with the Administrative Director in connection with updating the formulary, as specified. The bill also makes conforming changes to related code sections.

**AB 1509—Assembly Member Hernandez**

**Amends Sections 98.6, 1102.5, 2810.3, and 6310 of the Labor Code, relating to employment. Employer liability.**

**Status: Enrolled 6/23/2015 and Chaptered 6/24/2015.**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1509](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1509)

**Summary:** (1) Existing law prohibits an employer from discharging an employee or in any manner discriminating, retaliating, or taking any adverse action against any employee or applicant for employment because the employee or applicant has engaged in protected conduct, as specified. Existing law provides that an employee who made a bona fide complaint and was consequently discharged or otherwise suffered an adverse action is entitled to reinstatement and reimbursement for lost wages. Existing law makes it a misdemeanor for an employer to willfully refuse to reinstate or otherwise restore an employee who is determined by a specified procedure to be eligible for reinstatement. Existing law subjects a person who violates these provisions to a civil penalty of up to \$10,000 per violation.

This bill extends the protections of these provisions, as specified, to an employee who is a family member of a person who engaged in, or was perceived to engage in, the protected conduct or make a complaint protected by these provisions. This bill defines terms for the purpose of these provisions.

(2) Existing law requires a client employer to share with a labor contractor all civil legal responsibility and civil liability for all workers supplied by that labor contractor for the payment of wages and the failure to obtain valid workers' compensation coverage. Existing law also prohibits a client employer from shifting to the labor contractor legal duties or liabilities under workplace safety provisions with respect to workers provided by the labor contractor. Existing law defines terms for these purposes and authorizes the Labor Commissioner to adopt regulations and rules of practice and procedure necessary to administer and enforce these provisions. Existing law excludes certain types of employers from these provisions,

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including, but not limited to, a client employer that is not a motor carrier of property based solely on the employer's use of a third-party motor carrier of property with interstate or intrastate operating authority to ship or receive freight, and a client employer that is a motor carrier of property subcontracting with, or otherwise engaging, another motor carrier of property to provide transportation services using its own employees and commercial motor vehicles.

The Household Goods Carriers Act subjects household goods carriers to the jurisdiction and control of the Public Utilities Commission. The act prohibits a household goods carrier from engaging, or attempting to engage, in the business of the transportation of used household goods and personal effects by motor vehicle over any public highway in the state without a permit issued by the commission authorizing transportation entirely within the state or a valid operating authority issued by the Federal Motor Carrier Safety Administration for interstate transportation.

This bill expands the types of employers excluded from those labor-contracting provisions to include a client employer that is not a household goods carrier based solely on the employer's use of a third-party household goods carrier permitted by the commission to move household goods and a client employer that is a permitted household goods carrier subcontracting with, or otherwise engaging, another permitted household goods carrier to provide transportation of household goods using its own employees and motor vehicles.

### **AB 1513—Assembly Member Williams**

**Adds and repeals Section 226.2 of, and to repeal Sections 77.7, 127.6, and 138.65 of, the Labor Code, relating to employment**

**Employment: workers' compensation and piece-rate compensation.**

**Status: Enrolled 9/23/2015 and Chaptered 10/10/2015.**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1513](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1513)

**Summary:** (1) Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment.

Existing law requires the Commission on Health and Safety and Workers' Compensation to undertake a specified study examining the causes of the number of insolvencies among workers' compensation insurers to be conducted by an independent research organization and requires the commission and the Department of Industrial Relations, no later than July 1, 2009, to publish the report of the study on its Web site and to inform the Legislature and the Governor of the availability of the report.

Existing law requires the Administrative Director, in consultation with the commission and other entities, to conduct a study of medical treatment provided to workers who have sustained industrial injuries and illness and to report and make recommendations to the Legislature on or before July 1, 2004.

Existing law requires the Administrative Director, after consultation with the Insurance Commissioner, to contract with a qualified organization to study the 2003 and 2004 legislative reforms on insurance rates and to submit the study to the Governor and Legislature. Existing law requires the Governor and the Insurance Commissioner to review that study and make recommendations and authorizes them to submit proposals to the Legislature.

This bill repeals these obsolete workers' compensation study requirements.

In addition, this bill requires certain actions by employers.

**SB 396—Senator Hill**

**Amends Section 805.5 of the Business and Professions Code, to amend Section 12529.7 of the Government Code, and to amend Sections 1248.15 and 1248.35 of the Health and Safety Code, relating to health care.**

**Health care: outpatient settings and surgical clinics: facilities: licensure and enforcement.**

**Status: Enrolled 8/28/2015 and Chaptered 9/9/2015.**

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB396](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB396)

**Summary:** The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law provides that it is unprofessional conduct for a physician and surgeon to perform procedures in any outpatient setting except in compliance with specified provisions. Existing law prohibits an association, corporation, firm, partnership, or person from operating, managing, conducting, or maintaining an outpatient setting in the state unless the setting is one of the specified settings, which include an ambulatory surgical clinic that is certified to participate in the Medicare Program, a surgical clinic licensed by the State Department of Public Health, or an outpatient setting accredited by an accreditation agency approved by the Division of Licensing of the Medical Board of California.

Existing law provides that an outpatient setting that is accredited shall be inspected by the accreditation agency and may be inspected by the Medical Board of California. Existing law requires that the inspections be conducted no less often than once every three years by the accreditation agency and as often as necessary by the Medical Board of California to ensure quality of the care provided.

This bill authorizes the accrediting agency to conduct unannounced inspections subsequent to the initial inspection for accreditation, if the accreditation agency provides specified notice of the unannounced routine inspection to the outpatient setting.

Existing law requires members of the medical staff and other practitioners who are granted clinical privileges in an outpatient setting to be professionally qualified and appropriately credentialed for the performance of privileges granted and requires the outpatient setting to grant privileges in accordance with recommendations from qualified health professionals, and credentialing standards established by the outpatient setting. A willful violation of these provisions is a crime.

This bill additionally requires that each licensee who performs procedures in an outpatient setting that requires the outpatient setting to be accredited be peer reviewed, as specified, at least every two years, by licensees who are qualified by education and experience to perform the same types of, or similar, procedures. The bill requires the findings of the peer review to be reported to the governing body, which shall determine if the licensee continues to be professionally qualified and appropriately credentialed for the performance of privileges granted. By expanding the scope of a crime, this bill imposes a state-mandated local program.

Existing law requires specified entities, including any health-care service plan or medical care foundation, to request a report from the Medical Board of California, the Board of Psychology, the Osteopathic Medical Board of California, or the Dental Board of California, prior to granting or renewing staff privileges, to determine whether a certain report has been made indicating that the applying physician and surgeon, psychologist, podiatrist, or dentist has been denied staff privileges, been removed from a medical staff, or had his or her staff privileges restricted.

This bill also requires an outpatient setting and a facility certified to participate in the federal Medicare Program as an ambulatory surgical center to request that report. By expanding the scope of a crime, this bill imposes a state-mandated local program.

Existing law establishes a vertical enforcement and prosecution model for cases before the Medical Board of California and requires the board to report to the Governor and the Legislature on that model by March 1, 2015.

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This bill extends the date that report is due to March 1, 2016.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill provides that no reimbursement is required by this act for a specified reason.

### **SB 542—Mendoza**

**Amend Sections 4616, 4616.2, 4616.4, 4616.5, and 5307.8 of the Labor Code, relating to workers' compensation.**

**Workers' compensation: medical provider networks: fee schedules.**

**Status: Enrolled 9/15/2015 and Chaptered 10/6/2015**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB542](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB542)

(1) Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law authorizes an insurer, employer, or entity that provides physician network services to establish or modify a medical provider network for the provision of medical treatment to injured employees and requires the Administrative Director to contract with individual physicians or an independent medical review organization to perform independent medical reviews.

This bill clarifies that those independent medical reviews are medical provider network independent medical reviews. The bill would make related and conforming changes.

(2) Existing law requires every medical provider network to post, and update quarterly, a roster of treating physicians in the medical provider network on its Web site.

This bill requires every medical provider network to post on its Web site information about how to contact the medical provider network contact and medical access assistants and also information about how to obtain a copy of any notification regarding the medical provider network that is required to be given to an employee by regulations adopted by the Administrative Director.

(3) Existing law requires an insurer, employer, or entity that provides physician network services to submit a plan for the medical provider network to the Administrative Director to be approved for a period of four years. Commencing January 1, 2014, existing approved plans are deemed approved for a period of four years from their most recent application or modification approval date.

This bill provides that, commencing January 1, 2016, a modification that updates an entire medical provider network plan to bring the plan into full compliance with applicable laws would be deemed approved for a period of four years from the modification approval date. The bill provides that the expiration of the medical provider network's current four-year approval period will not change if a modification does not update a medical provider network plan to bring the plan into full compliance with applicable laws.

(4) Existing law requires an insurer, employer, or entity that provides physician network services to file continuity of care policies. Existing law requires an insurer, employer, or entity that provides physician network services to provide completion of treatment by a terminated provider if at the time of the employer-employee contract's termination, the injured employee was receiving services from that provider for various conditions, as specified.

This bill instead requires medical provider networks to file continuity of care policies. The bill requires an employer or its claims administrator to provide for the completion of treatment by a terminated provider under specified circumstances.

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The bill also defines an “entity that provides physician network services” for the purposes described above to mean a medical network licensed by a designated government department or a legal entity that offers medical management and physician network services in California.

(5) Existing law requires the Administrative Director to adopt an official medical fee schedule that establishes reasonable maximum fees paid for specified medical services related to workers’ compensation. Existing law also requires the Administrative Director to adopt a schedule for payment of home health-care services that are not covered by a Medicare fee schedule and are not otherwise covered by the official medical fee schedule. Existing law requires this fee schedule to be based on the maximum service hours and fees set forth in provisions of law governing in-home supportive services.

This bill authorizes, rather than requires, the fee schedule to be based on either the maximum service hours and fees set forth in provisions of state law governing in-home supportive services or other state or federal home health-care services fee schedules, as specified.

### **SB 623—Senator Lara**

**Adds Sections 3733 and 4756 to the Labor Code, relating to workers’ compensation, and making an appropriation therefor.**

**Workers’ compensation: benefits.**

**Status: Enrolled 8/28/2015 and Chaptered 9/9/2015.**

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB623](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB623)

**Summary:** Existing law generally requires an employer to compensate, without regard to negligence, an employee for an injury sustained by the employee if the injury arose out of, and in the course of, employment, as specified. Existing law also establishes the Uninsured Employers Benefits Trust Fund and the Subsequent Injuries Benefits Trust Fund, both continuously appropriated funds. In the event that an employer fails to pay compensation as required, the employee may apply to be paid by the Director of Industrial Relations from the Uninsured Employers Benefits Trust Fund. In the event that a permanently, partially disabled employee receives a later, compensable injury resulting in additional permanent disability, that employee shall receive compensation from the Subsequent Injuries Benefits Trust Fund.

This bill provides that a person shall not be excluded from receiving benefits under the Uninsured Employers Benefits Trust Fund or the Subsequent Injuries Benefits Trust Fund based on his or her citizenship or immigration status. The bill provides that these provisions are declaratory of existing law.

By increasing the number of applicants eligible for a continuously appropriated fund, this bill makes an appropriation.

### **Workers’ Compensation Regulations**

The regulatory activities of the Division of Workers’ Compensation (DWC) to implement the provisions of the recent workers’ compensation reform legislation are outlined on the following pages. Formal rulemaking is often preceded by the release of a draft rule and the opening of an online forum for interested parties to post comments. This update covers only recent regulations for 2014. Older regulations can be found in previous Commission on Health and Safety and Workers’ Compensation (CHSWC) annual reports, which are available online at <http://www.dir.ca.gov/chswc>.

Information about these preliminary activities is available at <http://www.dir.ca.gov/Wcjudicial.htm>.

The latest formal rulemaking updates are available at [www.dir.ca.gov/DWC/dwcrulemaking.html](http://www.dir.ca.gov/DWC/dwcrulemaking.html).

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DWC Regulations	Status of Regulations (as of November 5, 2015)
<b>Senate Bill (SB) 863 Implementation</b>	
<b>Copy service fee schedule</b>	<p><b>Status: Effective July 1, 2015.</b></p> <p><b>Title 8, California Code of Regulations, Sections 9980, 9981, 9982, 9983, 9984, 9990, 9992, 9994, and 10208.7</b></p> <p>Establishes a copy service fee schedule.</p> <p><a href="https://www.dir.ca.gov/dwc/DWCPropRegs/CopyServiceFeeSchedule/CopyServiceFeeSchedule.htm">https://www.dir.ca.gov/dwc/DWCPropRegs/CopyServiceFeeSchedule/CopyServiceFeeSchedule.htm</a></p>
<b>Employee Benefit Notices</b>	<p><b>Status: Effective January 1, 2016.</b></p> <p><b>Title 8, California Code of Regulations, Sections 9810, 9811, 9812, 9813, 9814, 9815, 9881.1, and 10139</b></p> <p>Amends requirements for benefit notices with the purpose to help explain the complicated workers' compensation claim process.</p> <p><a href="http://www.dir.ca.gov/dwc/DWCPropRegs/BenefitNotices/BenefitNotices_Regs.htm">http://www.dir.ca.gov/dwc/DWCPropRegs/BenefitNotices/BenefitNotices_Regs.htm</a></p>
<b>ICD-10 Regulations</b>	<p><b>Status: Effective October 1, 2015.</b></p> <p><b>Title 8, California Code of Regulations, Section 9770, 9785, 9785.2, 9785.2.1, 9785.3, 9785.3.1, 9785.4, 9785.4.1, 9792.5.1, 14003, 14006, 14006.1, and 14007</b></p> <p>Amends DWC's and DIR's regulations and forms to be consistent with the ICD-10 system of diagnosis as of October 1, 2015.</p> <p><a href="https://www.dir.ca.gov/dwc/DWCPropRegs/ICD-10/ICD-10.htm">https://www.dir.ca.gov/dwc/DWCPropRegs/ICD-10/ICD-10.htm</a></p>
<b>Medical treatment utilization schedule (MTUS)</b>	<p><b>Status: Effective April 20, 2015.</b></p> <p><b>Title 8, California Code of Regulations, Sections 9792.20-9792.26</b></p> <p>Clarifies the role of the MTUS by providing an explanation that the MTUS is based on the principals of evidence-based medicine. Also clarifies that the guidelines set forth in the MTUS shall be the primary source of guidance for treating physicians and reviewing physicians.</p> <p><a href="https://www.dir.ca.gov/dwc/DWCPropRegs/MTUS/MTUS_Regulations.htm">https://www.dir.ca.gov/dwc/DWCPropRegs/MTUS/MTUS_Regulations.htm</a></p>

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DWC Regulations	Status of Regulations (as of November 5, 2015)
<b>Senate Bill (SB) 863 Implementation</b>	
<b>Official Medical Fee Schedule (OMFS)</b>	<p><b>Status: Effective March 5, 2015.</b></p> <p><b>Title 8, California Code of Regulations, Sections 9789.10, 9789.11, 9789.20-9789.23, 9789.25, 9789.50, 9789.60, 9789.70, 9789.110, 9789.111, and 9790</b></p> <p>Reiterates the applicable dates of fee schedule provisions that are declaratory of existing laws; addresses the operating disproportionate share hospital (DSH) adjustments; addresses the inpatient hospital outlier payments for eligible transfer cases; updates factors to 2014, and makes minor adjustments to various sections of the Official Medical Fee Schedule.</p> <p><a href="https://www.dir.ca.gov/dwc/DWCPropRegs/OMFS-Regulations/OMFS.htm">https://www.dir.ca.gov/dwc/DWCPropRegs/OMFS-Regulations/OMFS.htm</a></p>
<b>Qualified Medical Evaluators (QME)</b>	<p><b>Status: Effective September 1, 2015.</b></p> <p><b>Title 8, California Code of Regulations, Sections 30, 30.5, 31.1, 100, 104, 105, 106, and 109</b></p> <p>Implements an online QME initial panel process for represented parties. Parties in a represented case are required to submit initial QME panel requests using the online QME system; by doing so, an online panel will issue immediately. The requesting party is then responsible for serving the panel request form, any required documentation and the QME panel on all parties with a proof of service. Amends QME forms to delete "PSN Psychology—Clinical Neuropsychology," add "MAA Anesthesiology" as a specialty category and makes various copyedits.</p> <p><a href="https://www.dir.ca.gov/dwc/DWCPropRegs/QME-Regulations/QME.htm">https://www.dir.ca.gov/dwc/DWCPropRegs/QME-Regulations/QME.htm</a></p>
<b>Workers' compensation information system (WCIS)</b>	<p><b>Status: Effective April 6, 2016.</b></p> <p><b>Title 8, California Code of Regulations, Sections 9701–9702</b></p> <p>Makes various changes to data reporting, including conforming to IAIABC Workers' Compensation Medical Bill Data Reporting Implementation Guide, Release 2.0. Replaces the California EDI Implementation Guide for Medical Bill Payment Records, Version 1.1 (dated November 15, 2011) with Version 2.0. Updates related electronic data requirements.</p> <p><a href="https://www.dir.ca.gov/dwc/DWCPropRegs/WCISRegulations/WCISRegulations.htm">https://www.dir.ca.gov/dwc/DWCPropRegs/WCISRegulations/WCISRegulations.htm</a></p>

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DWC Regulations	Status of Regulations (as of November 5, 2015)
<b>Senate Bill (SB) 863 Implementation</b>	
<b>Labor Code Sections 4600, 5307.8</b>  <b>Home Health Care Fee Schedule Regulations (Regular Rulemaking)</b>	<b>Status: Public hearing on Nov. 30, 2015.</b>  Effective date per Labor Code: July 1, 2013.  <a href="https://www.dir.ca.gov/dwc/ForumDocs/HomeHealth/HomeHealth.htm">https://www.dir.ca.gov/dwc/ForumDocs/HomeHealth/HomeHealth.htm</a>
<b>Labor Code Section 5811</b>  <b>Intrepreter Fee Schedule</b>	<b>Status: Posted on DWC forum May 18, 2015</b>  Next Step: Issue Notice of Rulemaking  <a href="http://www.dir.ca.gov/dwc/ForumDocs/InterpreterFeeSchedule/InterpreterFeeSchedule.htm">http://www.dir.ca.gov/dwc/ForumDocs/InterpreterFeeSchedule/InterpreterFeeSchedule.htm</a>
<b>Labor Code Section 139.48</b>  <b>Return-to-Work Fund</b>	<b>Status: Effective April 13, 2015</b>  Provides for a one-time \$5,000 Return-to-Work supplement that is issued to an injured worker who meets the eligibility criteria.  Effective date per Labor Code: January 1, 2013.  <a href="http://www.dir.ca.gov/ODRegulations/ReturnToWorkRegulations/ReturnToWork.html">http://www.dir.ca.gov/ODRegulations/ReturnToWorkRegulations/ReturnToWork.html</a>
<b>Official Medical Fee Schedule: Hospital Outpatient Departments and Ambulatory Surgical Centers Fee Schedule</b>	<b>Status: 30-day comment period—June 17, 2015.</b>  Title 8, California Code of Regulations Section 9789.32  <a href="https://www.dir.ca.gov/dwc/DWCPropRegs/HospitalOutpatientAmbulatorySurgicalCenters/HospitalOutpatientAmbulatorySurgicalCenters.htm">https://www.dir.ca.gov/dwc/DWCPropRegs/HospitalOutpatientAmbulatorySurgicalCenters/HospitalOutpatientAmbulatorySurgicalCenters.htm</a>
<b>WCAB (Non-APA rulemaking)</b>  1. Labor Code Section 139.48— Return to Work Fund—Review procedure	<b>Status: Workers' Compensation Appeals Board (WCAB) drafting regulations.</b>  Effective date per Labor Code: January 1, 2013.

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<b>DWC Regulations</b>	<b>Status of Regulations (as of November 5, 2015)</b>
<b>Senate Bill (SB) 863 Implementation</b>	
<p>2. Labor Code Section 4603.6(f): IBR—Review procedure</p> <p>3. Labor Code Section 4610.6(h) IMR—Review procedure</p> <p>4. Labor Code Section 4616(h): MPN—Review procedure</p> <p>5. Labor Code Sections 4903 et. seq.</p>	

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**Assembly Bill 227 and Senate Bill 228—Official Medical Fee Schedule**

<p><b>AB 227 &amp; SB 228 OMFS Mandates/Tasks</b></p>	<p><b>Status of Regulations (as of November 5, 2015)</b></p>
<p><b>Labor Code Section 5307.1</b></p> <p><b>Official Medical Fee Schedule Shall Be Adjusted</b> to conform to relevant Medicare/Medi-Cal changes within 60 days of changes (except specified inpatient changes)</p>	<p><b>Status: Statutes specify that changes can be implemented without regulations.</b></p> <p>Updates to Medicare and Medi-Cal changes are implemented by an “Order of the Administrative Director of the Division of Workers’ Compensation.”</p> <p>Update orders issued periodically as needed. The most recent orders issued are as follows:</p> <ul style="list-style-type: none"> <li>· Inpatient—update to conform to Medicare changes was adopted by Order, effective March 15, 2015.</li> <li>· Outpatient—update to conform to Medicare changes was adopted by Order, effective December 1, 2014.</li> <li>· Ambulance fees—update to conform to Medicare changes was adopted by Order, effective August 1, 2015.</li> <li>· Pathology and Clinical Laboratory—update to conform to Medicare changes was adopted by Order, effective January 1, 2011, and updated effective January 1, 2015.</li> <li>· Durable Medical Equipment, Orthotics, Prosthetics, and Supplies (DMEPOS)—update to conform to Medicare changes was adopted by Order, effective October 1, 2015.</li> </ul>

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**Other Regulations**

<p><b>Labor Code Section 4659</b> <b>Commutation Tables for Permanent Disability</b></p>	<p><b>Status: Need to hire actuary.</b>  <i>8 CCR Sections 10169, 10169.1</i></p>
<p><b>Labor Code Section 138.6</b> <b>WCIS Penalties (Regular Rulemaking)</b></p>	<p><b>Status: Posted on DWC forum April 16, 2013.</b>  <b>Next Step: Begin formal rulemaking.</b>  <a href="http://www.dir.ca.gov/dwc/DWCWCABForum/WCISRegulations.htm">http://www.dir.ca.gov/dwc/DWCWCABForum/WCISRegulations.htm</a></p>
<p><b>Labor Code Section 5307.27</b> <b>Medical Treatment Utilization Schedule—Opioids and Chronic Pain (Regular Rulemaking)</b></p>	<p><b>Status: Public hearing: Sept. 1, 2015</b>  <b>Next Step: 15-day comment period</b>  Title 8, California Code of Regulations, Amend Section 9792.24.2 Medical Treatment Utilization Schedule—Chronic Pain Medical Treatment Guidelines  Adopt Section 9792.24.4 Medical Treatment Utilization Schedule—Opioids Treatment Guidelines  <a href="http://www.dir.ca.gov/dwc/rulemaking/dwc_rulemaking_proposed.html">http://www.dir.ca.gov/dwc/rulemaking/dwc_rulemaking_proposed.html</a></p>
<p><b>Labor Code Section 129.5</b> <b>Audit Regulations (Regular Rulemaking)</b></p>	<p><b>Status: Preparing draft regulations.</b>  <b>Next Step: Post on DWC forum.</b></p>

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### Administration of Self-Insurance Plan Regulations

The regulatory activities of the Office of Self-Insurance Plans (OSIP) are outlined below.

OSIP conducted regular rulemaking which included a 45-day public comment period and OSIP's response to any filed comments. This update covers only recent administrative regulations occurring during 2014.

Proposed OSIP regulations are available at:

<http://www.dir.ca.gov/osip/siprule.html>

Approved OSIP regulations are available at:

[http://www.dir.ca.gov/osip/rulemaking/osip\\_rulemaking\\_approved.html](http://www.dir.ca.gov/osip/rulemaking/osip_rulemaking_approved.html)

Regulations in Title 8 of the California Code of Regulations (CCR) are available at:

<http://www.dir.ca.gov/samples/search/query.htm>.

2014/15 OSIP Regulations	Status of Regulations (as of October 8, 2015)
	<b>Status:</b> There were no new regulations in 2015.