

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

**NOTICE OF MODIFICATION TO TEXT OF  
PROPOSED REGULATIONS  
(HEALTH CARE ORGANIZATIONS)**

**NOTICE IS HEREBY GIVEN** pursuant to Labor Code Sections 133, 4600.3, and 5307.3 and Government Code Section 11346.8(c) that the Administrative Director of the Division of Workers' Compensation proposes to modify the text of the proposed amendments to Title 8, California Code of Regulations Section 9779.4 – the DWC Form 1194, and Section 9779.5 concerning the annual HCO assessment.

**PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS**

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

Written comments should be addressed to:

Guia Carreon, 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 October 23, 2002. Written comments may be submitted by facsimile transmission (FAX), addressed to the contact person at (415) 703-4720. Written comments may also be sent electronically (via e-mail), using the following e-mail address: [dwcrules@hq.dir.ca.gov](mailto:dwcrules@hq.dir.ca.gov).

**AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE**

Copies of the original text and 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 455 Golden Gate Avenue, 9th Floor, San Francisco, California. Please contact the Division's regulations coordinator, Ms. Guia Carreon, at (415) 703-4600 to arrange to inspect the rulemaking file.

The specific modifications proposed consist of changes to portions of the text of Section 9779.4. A copy of the proposed modified text is attached to this Notice.

## FORMAT OF PROPOSED MODIFICATIONS

### Proposed Text Noticed for 45-Day Comment Period:

Deletions from the codified regulatory text are indicated by strike-through, thus: ~~deleted language~~.

Additions to the codified regulatory text are indicated by underlining, thus: underlined language.

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

Deletions from the codified regulatory text are indicated by italic strike-through, thus: ~~*deleted language*~~.

Deletions from the amended regulatory text as proposed on July 26, 2002 are indicated by strike-through under-line, thus: ~~deleted language~~.

Additions to the regulatory text as proposed on July 26, 2002 are indicated by a double underline, thus: added language.

## SUMMARY OF PROPOSED CHANGES

- 1) The right to predesignate a personal acupuncturist is being added as an alternative to enrolling in an HCO or predesignating a personal physician or personal chiropractor wherever the form refers to the employee's right to predesignate a personal physician or personal chiropractor. Labor Code Section 4600.5(c) provides that an employee has the right to predesignate a personal acupuncturist as an alternative to predesignating a personal physician or a personal chiropractor or enrolling in an HCO.
- 2) A space is being added to the portion of the second page of the form where the employee can predesignate a personal physician, personal chiropractor or personal acupuncturist to require the employee to provide the telephone number for their designated personal physician, personal chiropractor or personal acupuncturist.
- 3) To improve the clarity and consistency of the form, the word "personal" is being added before the word "chiropractor" wherever the word "chiropractor" appears in conjunction with the terms "personal physician" and "personal acupuncturist."
- 4) The initial proposal to require each HCO to remit the HCO assessment on an annual basis rather than in two equal installments has been withdrawn at this time to allow time for further study of the impact of such a change.