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DWCNewsline

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Division of Workers' Compensation issues 2nd 15-day notice of revisions to proposed qualified medical evaluator regulations

The Division of Workers' Compensation (DWC) has modified its proposed qualified medical evaluator (QME) regulations and posted a 2nd 15-day notice of revisions on its Web site. Members of the public may comment on the revisions until 5 p.m. on Oct. 30, 2008. The proposed revisions to the draft regulations include the following modifications:

- Section 1(d), the definition of "agreed panel QME," has been revised to state that an agreed panel QME is entitled to be paid the same as a regular agreed medical evaluator (AME) for reports and testimony
- Section 34(d), regarding appointment cancellations, provides that all evaluators (AMEs and QMEs) shall not cancel a scheduled appointment less than six business days prior to the appointment, except for good cause. When a QME cancels, he or she must notify the parties in writing of the reason and reschedule to a date within 30 calendar days of the date of cancellation. An AME must reschedule within 60 calendar days of the date of the cancellation
- Section 34(e) is revised to apply the same six business day cancellation rule to parties; requires the reason for cancellation in writing; adds that the injured worker shall not be liable for any missed appointment fee whenever appointment is cancelled for good cause; and the appeals board retains jurisdiction to resolve disputes over good cause
- Section 35.5, regarding compliance with the administrative director's evaluation and reporting guidelines, adds language that previously was in subdivision 35(l) about notifying the parties at the earliest opportunity of disputed issues outside the scope of the evaluator's scope of practice and clinical competence
- Section 36, regarding service of medical/legal reports, is re-worded to clarify what forms the evaluator must use to show the proof of service and the forms a panel QME in an unrepresented case must serve with the report when it is sent to Disability Evaluation Unit (DEU)
- Section 36.5, regarding service of the medical/legal reports in psyche cases, is clarified to explain when to use the form to make Health & Safety Code section 123115(b) findings and how to serve the report
- Section 105 (QME panel request unrepresented case) and section 106 (represented QME panel): the forms and attached information sheets will be modified to address the Sandhagen decision that disallows defendants from using panel process to dispute nature and extent of medical treatment under Labor Code section 4062.

Further information and the modified proposals can be found at
http://www.dir.ca.gov/dwc/DWCPropRegs/qme_regulations/qme_regulations.htm.

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