

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
WORKERS' COMPENSATION APPEALS BOARD

**NOTICE OF FURTHER MODIFICATIONS TO TEXT OF
PROPOSED RULES OF PRACTICE AND PROCEDURE**
(Cal. Code Regs., tit. 8, §§ 10210 et seq. & 10300 et seq.)

NOTICE IS HEREBY GIVEN that the Workers' Compensation Appeals Board (WCAB) proposes to further modify the text of the proposed Rules of Practice and Procedure (Rules) that were the subject of the Notice of Proposed Rulemaking published in the California Regulatory Notice Register on March 15, 2013, OAL Notice File No. Z2013-0305-02, Register 2013, No. 11-Z, pp. 422-424.¹ Electronic copies of the modifications, together with a Supplemental Statement of Reasons (SSOR) are available for viewing or downloading at <http://www.dir.ca.gov/WCAB/WCABPropRegsApr2013.htm>. The WCAB's initially proposed Rules and related documents are also available for viewing or downloading at this website.

A public hearing on the initially proposed Rules modifications was held on April 16, 2013. The written comment period also closed on that date. The further proposed Rules changes are being made in response to the public hearing testimony and the timely written responses.

In accordance with the WCAB's general rulemaking authority (Lab. Code, §§ 5307, 5307.4, 5309 and 5708) and its "power and jurisdiction to do all things necessary or convenient in the exercise of any power or jurisdiction conferred upon it" (Lab. Code, § 133), as well as by analogy to Government Code section 11346.8(c), the public will be given 15 days to present written comments solely regarding the newly proposed modifications to the Rules. *No additional public hearing will be held.*

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

Members of the public are invited to present written comments regarding the newly proposed modifications to the Rules. **Only comments that directly concern the newly proposed modifications to the text of the Rules and other documents related to these modifications will be considered and responded to in the Final Statement of Reasons.** The written comment period closes at **5:00 PM on Thursday, July 25, 2013**. The WCAB will consider only written comments it has *received* by that time.

The address for submission of comments by e-mail is WCABRules@dir.ca.gov. The address for submission of comments by mail is: Neil P. Sullivan, Assistant Secretary and Deputy Commissioner, Workers' Compensation Appeals Board, P.O. Box 429459, San Francisco, CA 94142-9459. The address for submission of comments by delivery service or personal delivery is: Neil P. Sullivan, Assistant Secretary and Deputy Commissioner, Workers' Compensation Appeals Board, 455 Golden Gate Avenue, Ninth Floor, San Francisco, CA 94102. Comments also may be submitted by facsimile (Fax) at 1-415-703-4549.

Comments sent to other e-mail addresses will not be accepted. Comments sent by e-mail are subject to the 5:00 PM deadline set forth above for written comments.

**AVAILABILITY OF TEXT OF REGULATIONS, RULEMAKING FILE,
AND INTERNET ACCESS**

Copies of the originally proposed text, the proposed modified text, and the entire rulemaking file are available for inspection and copying at the WCAB's Office of the Commissioners at 455 Golden Gate Avenue, 9th Floor, San Francisco, CA 94102, between the hours of 9:00 AM and 4:30 PM, Monday through Friday (excluding holidays). Please contact Annette Gabrielli, the WCAB's Regulations Coordinator, at (415) 703-4580 to arrange to inspect or copy the rulemaking file.

¹ <http://www.oal.ca.gov/res/docs/pdf/notice/11z-2013.pdf>

In addition, a copy of this Notice, the proposed further modifications to the text of the initially proposed Rules, and the Supplemental Statement of Reasons (as well as the initial Rules documents) may be accessed on the internet <http://www.dir.ca.gov/WCAB/WCABPropRegsApr2013.htm>.

FORMAT OF PROPOSED MODIFICATIONS

The currently codified Rules text is in plain font. This plain font text is not being changed.

The originally proposed additions to the currently codified Rules are indicated by single underlining (added language) and the originally proposed deletions are indicated by single strike-through (~~deleted language~~).

New additions now being proposed in connection with the 15-day comment period are indicated by red double underlining (newly added language), except that language that will be underlined in the final adopted text is indicated by red bolded double underlining (**newly added language to be underlined**). Deletions are indicated by red double strike-through (~~newly deleted language~~).

DISTRIBUTION OF THIS NOTICE AND RELATED RULES DOCUMENTS

A copy of this Notice, the text of the proposed further modifications to the WCAB's initially proposed Rules, and the Supplemental Statement of Reasons will be e-mailed to: (1) all persons or organizations who e-mailed written comments regarding the initially proposed Rules; (2) all persons or organizations who otherwise submitted written comments and/or testified at the public hearing, if the WCAB has identified an appropriate e-mail address for them; and (3) all persons or organizations, including workers' compensation news and/or publisher organizations, on the WCAB's e-mail distribution list. In addition, a Newsline regarding the proposed modification to the WCAB's Rules will be issued by the Division of Workers' Compensation (DWC) to the many persons and organizations who subscribe to the DWC Newsline.

If adopted, the regulations with any final amendments will appear in the California Code of Regulations at Title 8, Chapter 4.5, Subchapter 1.9, commencing with Section 10250, and Subchapter 2, commencing with Section 10300. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.ccr.oal.ca.gov.