**STATE OF CALIFORNIA**

**DEPARTMENT OF INDUSTRIAL RELATIONS**

**Division of Workers’ Compensation**

NOTICE OF MODIFICATION TO TEXT OF

PROPOSED REGULATIONS AND FORMS

AND OTHER INFORMATION ADDED TO THE RULEMAKING FILE

Qualified Medical Evaluator Regulations

CALIFORNIA CODE OF REGULATIONS,

TITLE 8, ARTICLE 3 CALIFORNIA CODE OF REGULATIONS SECTION 36.7

**NOTICE IS HEREBY GIVEN,** pursuant to Government Code section 11346.8(c) the 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 36.7 Electronic Service of Medical-Legal Reports by Medical Evaluators**

**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 regulations 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  
1515 Clay Street, 18th floor  
Oakland, CA 94612

The division’s contact person must receive all written comments concerning the proposed modification to the regulations no later than March 15, 2022. Written comments may be submitted by facsimile transmission (FAX), addressed to the contact 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](mailto:dwcrules@dir.ca.gov?subject=QME%20regulation%20section%2036.7).

**Comments sent to other e-mail addresses or 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.

# NOTICE OF ADDITION OF DOCUMENTS AND INFORMATION TO THE RULEMAKING FILE

The Administrative Director of the Division of Workers’ Compensation hereby gives notice, pursuant to Government Code sections 11346.8(d), 11246.9(a)(1), and 11347.1, that the following document which the agency has relied upon in adopting the proposed changes to sections 36.7 of Title 8 of the California Code of Regulations, have been added to the rulemaking file and are available for public inspection and comment:

* Addendum to the Initial Statement of Reasons

# PROPOSED MODIFICATIONS

# Text of Emergency Regulation Section 36.7 Effective May 2020 Proposed Text Changes for 45-Day Comment Period:

Deletions from the regulatory text, as proposed in this comment period, are indicated by the strike-through, thus: ~~deleted language.~~

Additions to the regulatory text, as proposed in this comment period, are indicated by underlining, thus: added language.

Deletion of: “During the period that this emergency regulation is in effect, a”.

Clarification of a QME and AME to Qualified Medical Evaluation or Agreed Medical Evaluation report.

Deletion of: “Electronic service shall not be permitted on any unrepresented party or unrepresented injured worker.

Renumbering of sections.

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

Deletions from the regulatory text, as proposed in this comment period, are indicated by the strike-through, thus: ~~deleted language.~~

Additions to the regulatory text, as proposed in this comment period, are indicated by underlining, thus: added language.

Modifications to § 36.7~~(4)~~(3):

Deletion: “maintained by the person or entity on whom it is served, using”

Addition: “that is”

Addition: “A party whose electronic address has changed has the obligation to file a notice of change of address with the physician and all parties.”

In the Note: Addition of references: “Reference: Labor Code Sections 4060, 4061, 4062.1, 4062.2, 4064, 4067, 4600 and 4660-4664”