**STATE OF CALIFORNIA** Gavin Newsom, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS **DIVISION OF WORKERS’ COMPENSATION LEGAL UNIT**

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April 24, 2020

# NOTIFICATION OF PROPOSED EMERGENCY REGULATORY ACTION

Subject: QME Emergency Regulations in Response to COVID-19

The Department of Industrial Relations, Division of Workers’ Compensation (DWC) is proposing to adopt emergency regulations affecting medical-legal evaluations and service of reports and documents related thereto. The emergency regulations proposes to adopt Article 7 of Chapter 1, of title 8, California Code of Regulations, section 78 QME Emergency Regulations in Response to COVID-19 and Article 3 of Chapter 1, of title 8, California Code of Regulations, section 36.7 QME Electronic Service Emergency Regulation in Response to COVID-19. The regulations address the ongoing need for medical-legal evaluations and are intended to prevent a backlog of medical-legal evaluations resulting from Governor Newsom’s stay-at-home order. These regulations will help injured workers and employers continue to move their workers’ compensation claims towards a resolution and avoid additional or undue delay. The authority for the Division to take this action rests in Labor Code sections 133, 139.2, 5307.3, 5307.6, 4061 and 4062.

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency regulations to it, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. Upon filing, OAL will have ten (10) calendar days within which to review and make a decision on the proposed emergency rule. If approved, OAL will file the regulations with the Secretary of State, and the emergency regulations will become effective for 180 days. During the initial 180-day period of effectiveness, if the Division anticipates it will need to readopt the emergency regulations for an additional 90 days, it will pursue that course of action.

You may review the proposed regulatory language and Finding of Emergency on the DWC’s website at the following address: <http://www.dir.ca.gov/dwc/dwcRulemaking.html>

If you have any questions regarding this proposed emergency action, please contact Maureen Gray at [mgray@dir.ca.gov](mailto:mgray@dir.ca.gov) or (510) 286-0676.