**Addendum to FINDING OF EMERGENCY**

**OF THE**

**DEPARTMENT OF INDUSTRIAL RELATIONS**

**DIVISION OF WORKERS’ COMPENSATION**

**REGARDING THE CALIFORNIA LABOR CODE**

**TITLE 8. CALIFORNIA CODE OF REGULATIONS**

**DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS**

**CHAPTER 1. DIVISION OF WORKERS’ COMPENSATION**

**Article 3. assignment of qualified medical evaluators, evaluation procedure**

**Section 36.7 QME Electronic Service Emergency Regulation in Response to COVID-19.**

**Changes in the proposed regulations**

As a result of comments received about the proposed regulations, prior to and after submission to the Office of Administrative Law, the following changes have been made to the proposed emergency regulations:

1. Section (d) was amended to add a specific reference to clarify the location of a form mentioned in that provision of the emergency regulation.
2. Section (d) was amended to correct a typographical error in the original emergency regulation; the amendment changed a reference from “section 39” to “section 39.5”.

**Benefits of the proposed regulation**

The regulation is being enacted in order to allow Qualified Medical Evaluators (QMEs) to effectuate service of their medical-legal reports electronically in certain instances. This is intended to minimize or eliminate the time that either the QME or office staff must spend in the actual physical office location or at a post office in order to serve the medical-legal reports. The ability to serve electronically allows the physicians and their staff to observe the stay-at-home orders currently in place.

**Compatibility with existing Regulations**

* Title Eight, California Code of Regulations (CCR) sections 36 & 36.5 govern the manner of service for medical-legal reports resulting from QME evaluations. The emergency regulation expands the parameters of what is allowable service under those regulations.
* Title Eight, California Code of Regulations section 122 is a form entitled “AME or QME Declaration of Service of Medical-Legal Report”. Use of this form is mandatory. The form is used as a proof of service of the medical-legal report. The emergency regulation allows the optional use of an “Affidavit of Proof of Electronic Service” form. The affidavit must be signed under penalty of perjury, which carries over the requirement from the form 122, and makes the affidavit an enforceable proof of service under the laws of the state of California. (See California Code of Civil Procedure section 1013a).