**STATE OF CALIFORNIA**

**DEPARTMENT OF INDUSTRIAL RELATIONS**

**Division of Workers’ Compensation**

**NOTICE OF THIRD MODIFICATION TO TEXT OF THE PROPOSED REGULATIONS and the addition of an AMENDMENT to the SUPPLEMENTAL INITIAL STATEMENT OF REASONS to the rulemaking file**

**Subject Matter of Regulations: Workers’ Compensation**

**Qualified Medical Evaluator Regulations**

**TITLE 8. CALIFORNIA CODE OF REGULATIONS**

**SECTIONS 1, 11, 11.5, 14, 33, 35, 35.5, 50, 51, 52, 54, 55, 55.1, 56, 57, 63, 10133.54 & 10133.55**

**NOTICE IS HEREBY GIVEN** thatpursuant to the requirements of Government Code sections 11346.8 and 11346.8 (c), and sections 40, 42 and 44 of title I of the California Code of Regulations, the Administrative Director of the Division of Workers’ Compensation, pursuant to the authority vested in the Administrative Director by Labor Code sections 53, 133, 139.2, 4060, 4061, 4062, 4062.1, 4062.2 and 5307.3, proposes to modify the text of the following proposed regulations which were the subject of a regulatory hearing held on March 13, 2023:

Amend section 11.5 Disability Evaluation Report Writing Course

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

Any interested person, or his, her or their authorized representative, may submit written comments relevant to the proposed modifications of the proposed amendment to the existing Qualified Medical Evaluator regulation, to the Department of Industrial Relations, Division of Workers’ Compensation. Written comments on the proposed changes will be accepted between December 18, 2023, and January 5, 2024. The written comment period closes on January 5, 2024. The Division of Workers’ Compensation will only consider comments received at the Department of Industrial Relations, Division of Workers’ Compensation by that date.

Submit written comments concerning the modifications to the proposed regulations prior to the close of the public comment period to the Division of Workers’ Compensation (“DWC”) contact person:

Maureen Gray

Regulations Coordinator

Department of Industrial Relations

P.O. Box 420603

San Francisco, CA 94142

All written comments received by January 5, 2024, which pertain to the indicated changes will be reviewed and will be summarized and responded to in the Amended Final Statement of Reasons as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text. Written comments may be submitted via facsimile transmission (FAX), addressed to the above-named 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.

Ms. Gray must receive all written comments no later than 11:59 p.m. on January 5, 2024.

The text of the regulations and proposed modifications can be viewed via the web at: <http://www.dir.ca.gov/dwc/DWCrulemaking.html>.

Due to the inherent risks of non-delivery by facsimile transmission, the Administrative Director suggests, but does not require, that a copy of any comments transmitted by facsimile transmission also be submitted by regular mail.

**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**

Inquiries concerning this proposed action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed modifications to amendments to the regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray

Regulations Coordinator

Department of Industrial Relations

Division of Workers’ Compensation

P.O. Box 420603

San Francisco, CA 94142

**BACKUP CONTACT PERSON**

In the event the contact person is unavailable, inquiries should be directed to the following backup contact person:

 Winslow F. West, Industrial Relations Counsel

 Department of Industrial Relations

 Division of Workers’ Compensation

 Post Office Box 420603

 San Francisco, CA 94142

 E-mail: (wwest@dir.ca.gov)

The telephone number of the backup contact persons is (510) 286-7100.

**FORMAT OF PROPOSED MODIFICATIONS**

**Proposed Text Noticed for 45-Day Comment Period:**

The proposed text was indicated by underlining: added language. Deletions are indicated by strikeout: ~~deleted language~~.

**Proposed Text Noticed for First 15-Day Comment Period on Modified Text:**

The proposed text was indicated by double underlining: added language. Deletions are indicated by double strikeout: deleted language.

**Proposed Text Noticed for Second 15-Day Comment Period on Modified Text:**

The proposed text was indicated by bold text and single underlining: **added language**. Deletions are indicated by bold text, underlined and single strikeout: **~~deleted language~~**.

**Proposed Text Noticed for Third 15-Day Comment Period on Modified Text:**

The proposed text is indicated by bold italic Arial font and single underline, thus: ***added language***.  Deletions are indicated by bold italic Arial font and single strikethrough, thus: ***~~deleted language~~***~~.~~

**SUMMARY OF PROPOSED CHANGES**

**2. Section 11.5 Disability Evaluation Report Writing Course.**

**Subsection (n) is** amended to change the hour requirement from 12 to 16 for the amount of hours that a physician must complete in the curriculum specified in section 11.5 (i). This section defines the amount of hours a physician must complete for a continuing education provider to issue a certificate of completion. The change is being made to conform to the change in the hours required for completion of the disability evaluation report writing course that is a defined by section 11.5.

The proposed change is sufficiently related to the original proposal for the amended regulation since the first paragraph of the original amended regulation changes the hourly requirement for the course from 12 to 16 hours. This change to conform the amount of hours necessary to receive a certificate for completion of the course could have been determined from the original notice for the amended regulation that this proposed change could have resulted.