| QME PROCESS REGUATIONS – SECTION # | RULEMAKING COMMENTS 15 DAY COMMENT PERIOD | NAME OF PERSON/AFFIIATION | RESPONSE | ACTION |
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| 55 | Commenter states that there are too few QMEs at present and there is no need for yearly courses to stay current and that 2 hours of sensitivity training per year will turn off many evaluators. Commenter opines that they don't need “wokeness” in the QME evaluating process and that the DWC should allow QMEs to do their job without increasing their burden. Commenter opines that DWC should encourage young doctors, not drive them away by increasing hours of continuing education. | Ron Perelman  Qualified Medical Evaluator  May 16, 2023  Written Comment | The Administrative Director disagrees.  Recent efforts on the part of the Administrative Director to assess medical-legal report quality have revealed an urgent need to take steps to improve the quality of medical-legal reports in the Workers’ Compensation System. The natural first step in that process is to improve and increase educational requirements that should directly effect an improvement in report quality. It is axiomatic that more educated and knowledgeable authors will produce a better quality report.  The effort to increase the required continuing education hours will also allow the physician to take courses on subject matters that have been identified as needed by the Workers’ Compensation community and the efforts of the DWC report quality committee. | None. |
| 35(i) | Commenter states that the main concern she has as an administrative company for QME’s is the delay in sending the Doctors the medical records. The Parties should be required to submit the records and cover letter, attestation and declaration PRIOR TO THE DATE OF THE APPOINTMENT. If the attestation is not correct, or the records are not received PRIOR to the date of the appointment the QME should have the option to add them to the current report or submit a supplemental report. There is no incentive to the Parties to work in advance to ensure the records and documents are at the appointment.  Appointments are often set 60-90 days in advance, there is no excuse if the Dr. has to get the notification out in 5 days, that the parties can’t prepare and supply the medical records right away instead of waiting. There are no repercussions or time deadlines given to ensure the parties send records ahead of the appointment, but the Doctors are expected to do extra work to add late records or perform an evaluation without the evidence.  In Represented cases, many times the records are not sent to the other party until close to 20 days before the appointment date so often are received after the appointment date.  There are ways to even the playing field in the QME system by requiring all parties to be held to certain time requirements and deadlines and not just the doctors… | Debby Ortega, Business Manager  Adelberg Associates Medical Group  May 18, 2023  Written Comment | The Administrative Director disagrees.  Under the terms of the new provisions of § 35(i) the physician already has the ability to complete a report despite not having all of the records. The physician then can send a supplemental report upon receipt of the full complement of medical records. | None. |
| 33 | Commenter specifically notes its support for the proposed change to Section 33 *Unavailability of QME.* The proposed amendment increases the time to schedule the QME appointment from 60 days to 90 days. The 90-day period was adopted via the emergency regulations in place during COVID. APCIA believes the use of the 90-day deadline for scheduling is preferable because it provides sufficient time to schedule a medical-legal evaluation appointment. Under the 60-day deadline, it sometimes was difficult to get an appointment scheduled, which necessitated appointing a new QME panel and resulted in further delays in the claim resolution process. | Steven A. Bennett  Vice President, Workers Compensation Programs & Counsel  American Property Casualty Insurance Association  May 30, 2023  Written Comment | The Administrative Director agrees. | None |
| 55 | Commenter offers the following comments: Section 35. Exchange of Information and Ex Parte Communications **(i)** Commenter supports the elimination of the ability of the QME to contact the treating physician to retrieve any medical records not provided by the parties. Recommendation: **Section 55. Reappointment: Continuing Education Programs**  **(b)(3)** 2 hours of instruction in anti-bias training which meets the qualifications outlined in Regulation 11(h);  **(b)(4)** 2 hours in of instruction consisting of a review of workers’ compensation case law;  Commenter recommends the correction of these typographical errors. | Sara Widener-Brightwell,  General Counsel  California Workers’ Compensation Institute  May 30, 2023  Written Comment | The Administrative Director agrees. | The Non-substantive typographical corrections will be made |