

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
9767.12	<p>Commenter's primary recommendation is to delete in its entirety the initial implementation and new hire notice requirements of 8 CCR §§ 9767.12(a) though (c). Commenter also recommends the deletion of the requirement to post a complete notice next to the poster.</p> <p>The MPN statutes specify only one notice and that is of the continuity of care policies. [Labor Code § 4616.2(c)] According to the Division, however, the following notices are proposed before an injured worker can receive treatment under an MPN:</p> <p>(1) Initial implementation complete notice, (2) Complete notice at time of injury, (3) Complete notice at time of hire, (4) Complete notice when there is a transfer of care, (5) Notice on the poster required by Labor Code § 3550, and (6) Complete notice displayed next to the poster</p> <p>Commenter points out that in <u>Bruce Knight v. United Parcel Service</u>; and</p>	<p>Mark E. Webb, Vice President Governmental Relations & Assistant General Counsel Employers Direct Insurance Company October 8, 2009 Written Comment</p>	<p>Reject.</p> <p>Labor Code section 4616.3 also provides that the employer notifies the employee of his right to be treated by a physician of his or her choice and to get a list of providers.</p> <p>Contrary to the commenter's assertion, it is important that the worker gets these notices so they will know how to get prompt and adequate medical care under an MPN.</p> <p>To clarify, new hires will be given the short MPN coverage notice, not the complete notification as the commenter incorrectly states.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p><u>Liberty Mutual Insurance Company</u>, (2006) 71 Cal. Comp. Cases 1423, the Appeals Board held that an employer would be liable for self-procured medical treatment when the failure to provide timely MPN notices resulted in the neglect or refusal to provide reasonable medical treatment. Commenter believes that the Division should examine the multiplicity of notices required under the MPN regulations with this standard in mind – whether the failure to provide such notices could result in the failure to provide prompt medical benefits to the injured worker or an unreasonable delay in accessing necessary care. Clearly, the notice required by Labor Code § 3550 is a statutory mandate. When an insured employer changes insurance companies, the posting of a new notice, with new MPN information, is an immediate obligation of the employer. The consequences of failure to post this notice are severe.</p> <p>The proposed regulations also require a posting of the complete MPN notice next to the poster, “(b)efore MPN</p>		<p>to properly use an MPN. These notices supplement existing workers’ compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p> <p>The notices have been streamlined to be shorter and easier to distribute and to only give basic information as to when a worker is covered under and has to use an MPN, when the worker no longer has to use an MPN, and when the worker has to use a different MPN because the policies and providers may change.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>coverage is implemented.” [Proposed 8 CCR § 9767.12(d)] Yet, the proposed change to the poster states, “If your employer is using a MPN, a MPN notice should be posted next to this poster to explain how to use the MPN. You can request a copy of this notice by calling the MPN number below.” The poster also has a blank for the “MPN Effective Date”.</p> <p>Commenter offers the following argument:</p> <p>The change to the poster underscores the confusion that can occur due to the initial MPN implementation notice requirement. Whether a 30 day or 14 day window, there is no rationale for providing the initial implementation notice in the insured employer context because it will not affect the prompt delivery of medical care. Employers view workers’ compensation insurance as a commodity. The utility of the commodity is in direct relationship to its price. Consequently, unlike self-insureds, an employer may change insurers annually and even more frequently if the economics</p>		<p>The shortening of the 30-day notification time period to 14 days is intended to balance a reduction in gaps in MPN coverage while also allowing a worker time to predesignate before an MPN is implemented.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>make sense. This will occur even in the most stable of employer-employee relationships. Thus, there are unique challenges to the Division to make certain that adequate and effective notices are provided to employees regarding the use of MPNs in an environment where an employer is changing MPN Applicants on a regular basis. The implementation notice adds nothing but confusion when viewed in light of the additional notices required by these regulations.</p> <p>Providing a complete notice to new hires at the date of hire falls under the same scrutiny. The requirements of Labor Code § 3551 are met with the provision of the information contained in the poster pursuant to Section 3550. There is no reason to require any further information for new hires. As drafted, it would also appear that the complete MPN notice on hire is in addition to and, potentially, at a different time than the notice provided to new hires under Labor Code § 3551, which allows written notice by the end of the first pay period.</p>		<p>The shortened implementation notice ensures that a worker knows which MPN to use when its employer changes MPNs due to a change in insurer. Without this information, the worker could be using the wrong MPN to treat his or her injury.</p> <p>As stated earlier, the commenter is mistaken that a complete notification will be given to new hires, who will be receiving the shortened implementation notice before time of injury.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>While posting the complete notice next to the 3550 poster may sound reasonable, as a practical matter it too will only add to the confusion. Employers Direct’s complete notice – in English and Spanish – is 17 pages. This is likely similar to other notices. Beyond the practical issues associated with this requirement (such as space), there remains no good reason to do this if the injured worker is receiving the complete notice at the time services are needed.</p> <p>The effective date of an MPN for an insured employer should be the inception of the policy period of the insurance policy between the employer and the MPN Applicant. The poster and the new hire letter required by Section 3551 are sufficient to place the employee on notice of who to contact in the case of an injury and of the benefits and requirements of the workers’ compensation system. When the employee is injured, a timely complete notice should be provided to make certain there is no delay or refusal to provide benefits. The same should hold true if there is a</p>		<p>Posting the complete MPN notification is intended to give workers a chance to see the complete MPN policies if they wish to before injury and without requiring the MPN Applicant to incur the cost of individual distribution as is currently required.</p> <p>Making an MPN’s effective date dependent on the effective date of an insurer’s policy period will make it difficult, if not impossible to give adequate prior notice to workers of the use of an MPN.</p> <p>Under the existing proposed revisions, the worker is only given a detailed complete notification when the worker will actually be using an MPN, at time of injury or when transferred into the MPN with an existing injury.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>transition of care. Requiring notices beyond that, however, adds only to the cost and confusion of implementing this program.</p> <p>Additionally, it should be pointed out that the various references to predesignation in the notices fail to acknowledge that there may be instances where the initial medical care is provided through an HCO. The Division should consider clarifying its notices to inform the injured worker that he or she should consult with the employer as to whether initial medical treatment is through an MPN or an HCO. Also, as noted by the California Workers' Compensation Institute (CWCI), the question of whether an employee will be able to predesignate as of January 1, 2010 remains open. The Division should be cognizant of the status of Senate Bill 186 (DeSaulnier) before submitting these regulations to the Office of Administrative Law.</p> <p>Finally, proposed 8 CCR § 9767.16(a)(4) states that, "(a)ny pending Independent Medical Review</p>		<p>Predesignation is still the law under Labor Code 4600(d) as it has not been sunset, so references to it are proper.</p> <p>If an employee is under an HCO the employee will get a different notice that the worker must use an HCO and predesignation would still apply.</p> <p>The commenter is confusing the continuity of care process when a terminated MPN provider may be allowed to continue treating an employee</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>will end with the employee’s coverage under the MPN.” This would seem inconsistent with the concept of continuity of care. In this case of an insured employer, it may indeed be the case that the treating physician remains in the same MPN even though there is a change in MPN Applicant. In other words, changing insurers does not automatically mean that the treating physician is terminated from a network. Consequently an automatic termination of IMR would simply mean that the dispute is unresolved and the injured worker must either start IMR all over again, seek a new treating physician, or commence the med-legal process under Labor Code § 4062. None of those should be an acceptable outcome. While we recognize that the chance of this becoming an issue is less than remote, the termination of all IMR in all cases would seem to be a bit overbroad.</p>		<p>under specified circumstances with the entirely distinct process for using an Independent Medical Reviewer (IMR) when the employee has exhausted the second/third opinion process and wants another opinion on the recommended treatment by the physician. There is no point to continuing this IMR process under an MPN when it is terminated, as the worker is no longer required to treat with an MPN doctor upon termination of the MPN.</p>	
9767.12	<p>Commenter continues to believe that an initial written notice, beyond the required job site posting is unnecessary, but acknowledges that detailed notification to the injured worker after an injury occurs is</p>	<p>Kathleen G. Bissell, CPCU -- Assistant Vice President Liberty Mutual October 8, 2009 Written Comment</p>	<p>Accept in part, reject in part. The posting only comment is rejected. Only posting the MPN notice is an insufficient method to ensure adequate</p>	<p>The word “supervisor” will be changed to “employer” in section 9767.12(c) and (e).</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>meaningful and beneficial. For that reason, commenter strongly supports the changes proposed for the job site postings at each work site.</p> <p>Should the Division adopt the initial notification changes as proposed; however, commenter recommends that the language be revised to replace “supervisor” with “employer” (see Sections 9767.12(c) and (e)) in order to avoid any confusion about who, specifically is required to present the information to the employee.</p>		<p>notice is consistently given to workers so they will know when they are covered under an MPN. There is no guarantee that all covered employees will even see the posting or know if it applies to them.</p> <p>The comment to change “supervisor” with “employer” is accepted.</p>	
9767.12 - General	<p>Commenter supports and appreciates the Division’s efforts to reduce the amount of mail that must be sent because of the use of alternative methods of notification including electronic postings, e-mail or pay stub messages. Commenter also supports the concept of a reduction to the employee notification timeframes as long as that change does not require a material modification filing.</p>	<p>Mark Sektnan Vice President Association of California Insurance Companies October 8, 2009 Written Comment</p>	<p>Accept. No material modification filing will be required solely because of the regulatory change in the notification time frames.</p>	<p>No action needed.</p>
9767.12 (a)	<p>Commenter suggests that this subsection be modified to include the word <i>initially</i>: An employer or insurer that offers a Medical Provider Network Plan under this article shall</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009</p>	<p>Reject. The sample language used for the “initial” implementation of an MPN is intended to be used also for the notice of a change of MPN, for</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p><i>initially</i> notify every covered employee....”</p> <p>Commenter states that the purpose of this suggested modification is to have this section differentiate between the initial written MPN notification and the complete MPN notification that is required at the time of injury. This modification clarifies that Subsection (a) deals with the initial written modification only.</p>	Written Comment	ease of use. Thus, the use of the word “initially” may cause confusion when an MPN has already been implemented before for a different employer, but not for the employees at issue receiving the implementation or change of MPN notice.	
9767.12 (d) and (e)	<p>Commenter recommends the following revision:</p> <p>d) Separate from the initial MPN implementation notice, a complete written MPN employee notification with the information specified in subdivision (f) about coverage under the MPN being implemented shall be provided to covered employees at the time of injury, and when an employee is transferred into the MPN. This MPN notification shall be provided to employees in English and Spanish, or whichever is more appropriate for the covered employee. <u>Unless</u> Before MPN coverage is implemented, the complete written</p>	Brenda Ramirez Claims and Medical Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments	<p>Reject.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use an MPN. These notices supplement existing workers’ compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>MPN employee notification has been previously provided, or shall be is posted in a conspicuous location frequented by employees during the hours of the workday and in close proximity to the workers' compensation posting required under Section 9881, <u>this notification shall be provided to a covered employee at the time of injury, or at the time an employee transfers into the MPN.</u></p> <p>(e) The complete MPN notification may be distributed through electronic means, including email, if the covered employee has regular electronic access to email at work to receive this notice at the time of injury or when the employee is being transferred into the MPN. If the employee cannot receive this notice electronically at work, then the supervisor shall provide this information to the employee in writing at the time of injury or when the employee is being transferred into the MPN.</p> <p><u>Argument for changes</u> The current posting notice (section 9881 and 9881.1) advises the injured</p>		<p>so they will know how to use an MPN. Also, the commenter's suggested changes may cause more administrative burden for MPN Applicants to try to track who has received the notification before to determine if the worker should receive a copy of the complete notification.</p> <p>If a worker cannot receive the notification through electronic means, such as a farm worker, then the employer has a responsibility to ensure the worker does receive adequate individual notice so the suggested deletion of this language is rejected.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>worker of the kinds of injuries covered by workers' compensation, how to obtain emergency medical care, the right to receive medical care, the process for obtaining treatment, the employee's right to receive benefits for temporary disability, permanent disability, supplemental job displacement, and death, and the employee's protections against discrimination. The process for obtaining medical care through the MPN is part and parcel of the employee's right to receive prompt treatment and while important, it is no more important than rights enumerated in sections 9880 and 9880.1. As for general workers' compensation rights and processes, posting MPN employee notifications is a reasonable, efficient and effective option for informing the employee of MPN rights and processes, and an additional notice in English or Spanish, whichever is more appropriate for the covered employee, can be provided to an employee upon request.</p> <p>If, however, the administrative</p>		<p>As stated above, only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know how to use an MPN.</p> <p>Posting of a complete MPN notification is intended to give the worker an opportunity to see the MPN policies and procedures before injury, without requiring the employer to incur the cost of individual distribution until it is needed at time of injury.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>director decides not to offer posting of the notice as an option and requires written notice to be delivered to the employee, commenter recommends deleting the language requiring posting of the complete notice. It is not necessary to both post and deliver the notice.</p>			
<p>9767.12 and 9767.8(a)(9)</p>	<p>Section 9767.12 would be amended to provide additional employee notifications and to clarify some of the existing notification provisions. Section 9767.8 (a)(9) requires a medical provider network (MPN) applicant to submit a MPN Plan Modification if the employee notices are changed as required by Section 9767.12. Since the Division of Workers' Compensation is aware of what changes are being made to the employee notification requirements in these regulations, commenter believes that it should be made expressly clear that these changes do not constitute a material modification of the MPN. If all MPNs are required to submit a material modification to reflect changes made by the DWC, the Division will be taking on a significant workload in a time of</p>	<p>Mark Sektnan Vice President Association of California Insurance Companies October 8, 2009 Written Comment</p>	<p>Accept in part, Reject in part.</p> <p>The comment that no material modification filing should be required solely because of the regulatory changes is accepted. However, if the application of the regulatory changes triggers a material modification filing, then a filing is expected for compliance with the revised regulations.</p> <p>Rejected is the comment to delete section 9767.8 (a)(9) requiring a filing when changes to the employee materials are made. That provision is not at issue in these changes. Also, such changes are considered</p>	<p>No action needed.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	budget constraints. Moreover, commenter believes that Section 9767.8(a)(9) should be deleted since a change in employee notification materials do not constitute a change in the MPN similar to the criteria provided under Section 9767.12.		material changes, especially as the employee notifications are the most important information provided to the employee on how to access and properly use the MPN, including the MPN contact information.	
9767.12(a)	<p>Commenter recommends the following changes:</p> <p>a) An employer or insurer that offers a Medical Provider Network Plan under this article shall notify every covered employee in writing about the use of the Medical Provider Network at least 14 days prior to the <u>initial</u> implementation of an approved MPN or at the time of hire for new employees. The initial MPN implementation notice shall be provided in English and Spanish, or whichever is more appropriate for the employee. The initial written MPN implementation notice to all covered employees shall at a minimum, include the following information:</p> <p>1) That medical treatment for new work injuries will be provided through the Medical Provider Network as of the</p>	Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment	<p>Reject in part, Accept in part.</p> <p>The comment to include “initial” in the implementation notice to employees is rejected. The sample language used for the “initial” implementation of an MPN is intended to be used also for the notice of a change of MPN, for ease of use. Thus, the use of the word “initially” may cause confusion when an MPN has already been implemented before for a different employer, but not for the employees receiving the implementation or change of MPN notice.</p>	The requirement to include the MPN Contact’s name in the notice will be deleted.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>effective date of coverage unless the employee has properly predesignated a physician or medical group;</p> <p>2) The effective date of coverage under the new MPN;</p> <p>3) That existing work injuries may be covered under the prior MPN or may be transferred into the new MPN. The worker should check with the workers' claims adjuster for more information;</p> <p>4) That for periods when the worker is not covered by a MPN, an employee may choose a physician 30 days after the date the employee notified the employer of his or her injury;</p> <p>5) The contact information for the MPN contact contact's name, <u>including</u> telephone number, address and a MPN website, if applicable, for the worker to obtain more information about using the MPN.</p> <p>Commenter opines that by adding the word "initial" will help clarify that this notice is required only the first time an</p>		<p>The comments deleting the use of "coverage" are rejected because employees are "covered" under an MPN and should be made aware of such "coverage" when it is applicable as they are then required to use the MPN.</p> <p>The comment deleting the MPN contact's name from the notice is accepted to allow more flexibility for employers/insurers.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>MPN is rolled out.</p> <p>Commenter states that in the workers' compensation industry "coverage" is usually associated with "insurance coverage", therefore, Southern California Edison recommends removing that word to avoid confusion.</p> <p>Commenter states that because this notice is for the initial MPN implementation and notice for a change of MPN is handled elsewhere in the regulation, reference to a prior MPN should be deleted.</p> <p>In the initial notice it is necessary for a covered employee to be notified how to contact an MPN contact, commenter opines that it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN contact may change, be temporarily absent or there may be several MPN contacts.</p>			
9767.12(a)	<p>Commenter states that it is unclear whether this is the notice to the employee when an employer first chooses an MPN. If so, the reduction in the notice time from 30 days to 14 days is appropriate and welcome. However, if, as it appears in subdivisions (a)(3) and (b), this also applies to changes of MPN the 14 day</p>	<p>Steven Suchil Assistant Vice President American Insurance Association October 8, 2009 Written Comment</p>	<p>Reject.</p> <p>The implementation notice language was intended to be the same at initial implementation and at subsequent implementation of an MPN for different employees due to a change of</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>notice will, in some cases, be insufficient due to contracting delays. Commenter states that if this only relates to the first use of an MPN, he recommends no change. If on the other hand, it is to be used when subsequent MPN's are initiated he is unclear as to the need for the change of MPN notice provided in Section 9776.16(b) and how to determine when each of these two notices should be utilized.</p>		<p>MPNs. Because a change of MPN is also an implementation of a "new" MPN for the employees at issue, the notice requirements and language were made the same in order to simplify the notices. So, one notice can effectively be used for two related situations.</p> <p>The shortening of the notification time period to 14 days is intended to balance a reduction in gaps in MPN coverage while also allowing a worker time to predesignate before an MPN is implemented.</p>	
9767.12(a)	<p>Commenter states that the proposed amendments to this subsection raise concerns with the addition of the language "or whichever is more appropriate for the employee." The current regulations require that notices be provided in English and Spanish. Commenter opines that the new language could be interpreted to mean that insurers would have to provide the documents not only in English and</p>	<p>Mark Sektnan Vice President Association of California Insurance Companies October 8, 2009 Written Comment</p>	<p>Accept. The language requirement will be clarified.</p>	<p>The language requirement will be changed to require notices in English and Spanish.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Spanish but in whatever language would be “most appropriate for the employee”. This interpretation would create an unreasonable burden on employers and insurers. The notice would have to be translated into more than 130 plus languages and employers and insurers would have to make the difficult determination about what language would be “the most appropriate” for the employee. Commenter believes that this language requirement for the notice should be limited to English and Spanish.</p>			
9767.12(a)	<p>Commenter recommends that the Administrative Director remove individual notification requirements proposed for all covered employees at time of MPN implementation or time of hire. If the Administrative Director decides to proceed with such individual notifications, commenter recommends removing references to changes from one MPN to another.</p> <p>Where the language remains, commenter recommends the following changes:</p> <p>a) An employer or insurer that offers a</p>	<p>Brenda Ramirez Claims and Medical Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject in part, Accept in part.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use an MPN. These notices supplement existing workers’ compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Medical Provider Network Plan under this article shall notify every covered employee in writing about the use of the Medical Provider Network at least 14 days prior to the <u>initial</u> implementation of an approved MPN or at the time of hire for new employees. The initial MPN implementation notice shall be provided in English and Spanish, or whichever is more appropriate for the employee. The initial written MPN implementation notice to all covered employees shall at a minimum, include the following information:</p> <p>12) That medical treatment for new work injuries will be provided through the Medical Provider Network as of the effective date of coverage unless the employee has properly predesignated a physician or medical group;</p> <p>21) The effective date of coverage under the new MPN;</p> <p>3) That <u>treatment for existing work injuries</u> may be covered under the prior MPN or may be transferred into</p>		<p>The comment to include “initial” in the implementation notice to employees is rejected. The language used for the “initial” MPN notice is intended to be used also for the notice of a change of MPN, so the use of the word “initially” may cause confusion, when the language applies to the implementation of a change of MPN.</p> <p>The shortening instead of elimination of the notification time period to 14 days is intended to balance a reduction in gaps in MPN coverage, while also allowing a worker time to predesignate before an MPN is implemented.</p> <p>The comments deleting the use of “coverage” are rejected because employees are “covered” under an MPN and should be made aware of such “coverage” when it is applicable as they are then required to use the MPN.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>the new MPN. The worker should <u>may</u> check with the workers' claims adjuster for more information;</p> <p>4) That for periods when the worker is not covered by a MPN, an employee may choose a physician 30 days after the date the employee notified the employer of his or her injury;</p> <p>5) The <u>information for the MPN contact</u> contact's name, <u>including</u> telephone number, address and a MPN website, if applicable, for the worker to obtain more information about using the MPN.</p> <p><u>Argument for changes</u> Since the Labor Code section 3550 Employee Notice will provide employees with notice of an MPN and where to find detailed MPN information, requirements for a separate notice at the time of implementation and/or hire is not necessary and should be removed. MPN information provided at the time of implementation or hire is likely to be outdated and incorrect by the time an injured worker suffers an injury. If</p>		<p>The suggested deletions under (3) are rejected for clarity and to better reflect the intention of the proposed regulatory changes.</p> <p>The comment deleting the MPN contact's name from the notice is accepted to allow more flexibility for employers/insurers.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use an MPN. These notices supplement existing workers' compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p>	<p>The requirement to include the MPN Contact's name will be deleted.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>the Division believes an implementation notice is necessary, this notice should be for a first MPN rollout only, and references to a prior MPN should be removed from this subsection. Notice of a change of MPN is addressed elsewhere in the regulation. Qualifying “implementation” with “initial” will help clarify that this notice is required only the first time an MPN is rolled out.</p> <p>While reducing advance notification of implementation or a change in MPNs from 30 days to 14 days is a welcome improvement, removing the minimum notification requirement will eliminate gaps between MPNs that will otherwise occur when employers switch insurers. The gaps in coverage can be eliminated or reduced by facilitating timely notice to covered employees. This can be accomplished by permitting written notice by posting and by removing the minimum advance notice requirement. Upon a change of insurer, an employer is required to immediately post a new Labor Code section 3550 Employee</p>		<p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under an MPN.</p> <p>Posting of a complete MPN notification give the worker an opportunity to see the policies and procedures before injury, without requiring the employer to incur the cost of individual distribution until it is needed at time of injury.</p> <p>The shortening instead of elimination of the notification time period to 14 days is intended to balance a reduction in gaps in MPN coverage, while also allowing a worker time to predesignate before an MPN is implemented.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Notice with new information, including new MPN information. This provides timely notice to covered employees. When employers switch to different insurers, binding coverage is rarely completed in time to provide 14 days of advanced written notice to covered employees before policy start dates. An insurer does not have direct access to contact information for covered employees, and must therefore work with the insured employer to ensure covered employees are notified of MPN implementation. Gaps in MPN implementation result in disruptions in treatment for injured employees as they are moved from one physician to another and in additional administrative costs and delays caused by the complex transfer-in process.</p> <p>For an initial MPN implementation, insurers and self-insured employers may transfer care for an existing injury to a new MPN. Note, however, that while a self-insured employer may choose to transfer care for an existing injury to a new MPN, if an MPN implementation results from a</p>		<p>There is no need for the effective date of an MPN to be the same as the effective date of insurance coverage. To avoid gaps in MPN coverage, insurers can plan in advance to coordinate the effective insurance policy dates with the effective dates of the MPN.</p> <p>The commenter's statements regarding whether care for an existing injury will stay with the prior insurer or prior MPN is not always true in every case. Transfer of care from one MPN to another may be done at any time and is not limited by the notice period</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>change in insurers, the medical care stays with the prior MPN because the responsibility for the injury remains with the prior carrier. Some have voiced concern that reducing advance notification from 30 days to 14 days (or less) will mean that injured employees and their attorneys will have only 14 days (or less) in which to address objections to a transfer of care. Continuity of care timeframes, however, are unaffected by timeframes for notice of MPN implementation.</p> <p>According to existing statutory language, the right to predesignate a personal physician or medical group remains in effect only until December 31, 2009. Since these proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend that date, commenter recommends deleting language concerning predesignation from this paragraph and wherever it appears elsewhere in the proposed regulations. [Note: if the Governor signs SB 186 by the October 11 deadline, this</p>		<p>nor is the process likely to be resolved within a 30 or 14 day period so the notice period would not impact the transfer of care process.</p> <p>Predesignation is still the law under Labor Code 4600(d) as it has not been sunset, so references to it are proper.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>language should remain in the regulations; if not, as of 1/1/10 there will be no statutory basis for it to be included on any of the notices, including the posting notice and the new hire pamphlet, and existing regulations such as CCR sections 9782 (b), 9783, 9783.1, 9880(c)(8) as well.]</p> <p>In this initial notice, it is necessary to notify workers of how to contact an MPN contact, but not of an MPN contact's name. The contact person for the MPN may change, be temporarily absent, or there may be several MPN contacts.</p> <p>Because "coverage" in workers' compensation usually refers to insurance coverage, commenter suggests removing that word to avoid confusion.</p> <p>Reversing the order of 1) and 2) will result in a more logical sequence.</p>		<p>The comment deleting the MPN contact's name from the notice is accepted to allow more flexibility for employers/insurers.</p> <p>The comments deleting the use of "coverage" are rejected because employees are "covered" under an MPN and should be made aware of such "coverage" when it is applicable as they are then required to use the MPN.</p> <p>The suggested change in the order of the required information is rejected as the current proposed order provides more clarity regarding the implementation of a new MPN.</p>	<p>The requirement to include the MPN Contact's name will be deleted.</p>
9767.12(a)	<p>Commenter has reviewed the proposed changes to this section and completely agrees with the differentiation provided for the initial notice versus the notice at the time of</p>	<p>Don Balzano Medex Health Care October 8, 2009 Written and Oral Comment</p>	<p>Reject.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>injury. It is at this later time that the covered employee is far more inclined to read the notice and ask any questions they might have regarding their recent work related injury.</p> <p>Commenter is concerned regarding the elimination of the specific language in 9767.12 (a) which currently reads <u>“or when an existing employee transfers into the MPN, whichever is appropriate”</u></p> <p>Commenter states that there are many occasions at the WCAB at which employers must rely on this language, because it obviates unnecessary dispute by counsel regarding the propriety of transferring an individual covered employee into the MPN, even though it could still be argued that the “14 days prior to the implementation of an approved MPN” could certainly refer to the implementation for that specific employee.</p> <p>Commenter points out that the validity of MPN programs has become an increasingly litigated issue, with Knight v. WCAB being utilized in</p>		<p>The language at issue has been moved, not deleted. The complete employee notification will still be provided to a worker at time of transfer into the MPN.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>attempts to quash employer medical control. If employees with exiting injuries could not be transferred into the MPN, then any proven failure in either the notices or of the new posting could result in the employer losing medical control for the life of the claim. These types of cases demand the ability of the employer to cure and deficiencies and transfer that employee into the MPN, subject, of course, to the four exceptions enumerated in 9767.9.</p> <p>Commenter believes the current language is lucid and clearly comprehensible and that maintaining it will eliminate unnecessary litigation regarding the meaning of “implementation” when covered employees with existing injuries are transferred into an MPN.</p> <p>Commenter states that as of December 31, 2009, there were, from one HCO, approximately 220 employers representing 70,000 employees who had contracted with an HCO, and who also had approved MPNs, which could be utilized after the cessation of the</p>			No action needed.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>statutory limitation of HCO medical control (90 or 180 days).</p> <p>Commenter states that medical control was one of the key components of the reforms in SB 899, and, as such, commenter believes that the proposed regulations should fully reflect such significance to the workers' compensation system in California.</p>			No action needed.
9767.12(a)	<p>Commenter finds the recommended change to the waiting period (from 30 to 14 days) to be unnecessary because MPN notification makes all changes effective immediately and should apply to all new claims and transfer of care would appropriately be subject to review of the injured workers' medical condition. Commenter also suggests that it would be helpful to add language under this section which allows for new employee notification to occur within the first pay period. Commenter states that this would establish a clear, practical approach for new hire notification.</p>	<p>Kathleen G. Bissell, CPCU -- Assistant Vice President Liberty Mutual October 8, 2009 Written Comment</p>	<p>Reject. The receipt of the MPN notification does not make all changes effective immediately and the suggestion to do so is rejected.</p> <p>The shortening instead of elimination of the notification time period to 14 days is intended to balance a reduction in gaps in MPN coverage, while also allowing a worker time to predesignate before an MPN is implemented.</p> <p>Also, the concern about transfer of care from one MPN to another is not affected by the notice period. Transfer of care may be done at any time</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
			<p>and is not limited by the notice period nor is the process likely to be resolved within a 30 or 14 day period so the notice period should not impact the transfer of care process.</p> <p>To ensure consistent coverage and more efficient administration of the MPN, it is best to give the implementation notice to all covered workers at the same time, so the notice period begins and ends on the same dates for all covered employees and there is only one single effective date of the MPN for those employees.</p>	
9767.12(a)	<p>Commenter states that California is the only states with certified networks that have such an extended notice requirement. Commenter states that Texas Health Care Networks, which pattern themselves after California, have notification requirements that are much heavier than California but do not have the 30 day requirement. In Texas it can be 5 days or less and</p>	<p>Thomas Barnes Vice President of Managed Care Products Gallagher Bassett Services October 8, 2009 Oral Comment</p>	Accept.	No action needed.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>there have been no problems with that time frame.</p> <p>Commenter states that Texas does require that the employer must follow the same consistent process of notifying their employees. Commenter believes this is a valid requirement for any state that has a certified network.</p> <p>Commenter points out that of the 125 MPNs that his organization has in California, they have not had one single formal complaint regarding the notification process from the Division since the SB 899 passed and MPNs went into effect in January 2005.</p>			
9767.12(a)	<p>Commenter agrees with the California Applicants' Attorneys concern regarding the language requirement to be provided either in English or Spanish. Commenter believes the current language requirement, for both English and Spanish, should remain unchanged.</p>	<p>Thomas Barnes Vice President of Managed Care Products Gallagher Bassett Services October 8, 2009 Oral Comment</p>	Accept.	The notices will be required to be in English and Spanish.
9767.12(a)	<p>Commenter opines that it is important that the employee gets access to the care that they need. Commenter states that his organization has made it a</p>	<p>Thomas Barnes Vice President of Managed Care Products</p>	Accept.	No action needed.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	practice that regardless of when the notice comes out, 30 days or 14 days, that they don't begin the continuity of care policy to transfer until the actual MPN is effective. Commenter states that the employee is getting advanced notice and that often many of the providers are in both the previous and the new network. In most cases, the employee's care is not interrupted.	Gallagher Bassett Services October 8, 2009 Oral Comment		
9767.12(a) (1-5)	These subdivisions define the limited information required to be included in the revised notice of implementation of an MPN, and subdivision (b) includes a sample implementation notice. Commenter opposes the change to this new, abbreviated initial notice. Currently, subdivision (a) requires that a comprehensive notification be provided to covered employees "prior to the implementation of an approved MPN, at the time of hire, or when an existing employee transfers into an MPN" and "at the time of injury." The proposed amendments set up two different notices. A limited notice defined in subdivision (a) would be provided to covered employees "prior to implementation of an approved MPN	Adam Dombchik, President - California Applicants' Attorneys Association (CAAA) October 7, 2009 Written Comment	Reject in part, Accept in part. The intention of the regulatory changes is to streamline the notices to be shorter and easier to distribute and to give information when needed. Accordingly, workers are given basic information as to when a worker is covered under and has to use an MPN, when the worker no longer has to use an MPN, and when the worker has to use a different MPN because the policies and providers may change.	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>or at the time of hire for new employees." Subdivision (d) then requires that "separate from the initial MPN implementation notice, a complete written MPN employee notification" must be provided to all covered employees "at the time of injury and when an employee is transferred into the MPN."</p> <p>Thus, the proposed regulations require a <i>complete</i> notice when a single employee is transferred into the MPN, but only a <i>limited</i> notice when a new MPN is implemented. Commenter opines that this makes no sense. Implementation of an MPN means, in essence, that every worker who has not pre-designated a personal physician is "transferred into" the MPN. If the Division recognizes that it is important to provide a "complete written MPN notification" when a single employee is transferred into the MPN, commenter questions why is the limited notice adequate when <u>all</u> employees are transferred to the MPN?</p> <p>Commenter does not believe there is</p>		<p>The longer complete notification is given when the worker will need to use it at injury or when the worker is transferred into the MPN and is required to use the MPN for an existing injury. Also, the required posting of the complete notification gives workers the opportunity to see all the policies and procedures if they wish before injury, without requiring the MPN Applicants to incur the cost of individual distribution when it is not needed as is currently required.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>any justification for providing limited information to any worker transferred into an MPN, whether it be a single employee or all employees. Commenter believes that having the appropriate information describing the employee's rights and responsibilities under an MPN is essential to assure that prompt and appropriate care can be obtained. Consequently, commenter strongly opposes this change and recommends that the Division maintain the current requirement in §9767.12 to provide complete notice as specified in that section.</p> <p>Should the Division determine there is sufficient justification to adopt the limited notice as proposed, commenter would like to point out that there are major problems with this notice. First, commenter appreciates the fact that this notice references the employee's right to predesignate a physician. Commenter believes that the wording of the sample form gives the incorrect impression that if the employee has not already made such a predesignation, it is no longer</p>		<p>As a separate notice of predesignation is already required to be provided to employees at time of hire, there is no need to include more explanation in the short implementation notice as the worker should already be aware of the right to predesignate at any time prior to injury. Nevertheless, the wording of the notice will be revised to clarify the worker's right to predesignate.</p>	<p>The notice language will be revised to clarify the right to predesignate.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>permissible to do so. In fact, the only restriction in Labor Code §4600(d) is that the employee must predesignate prior to the date of injury. To make it clear that implementation of the MPN does not limit the employee's right to predesignate, commenter recommends that the sample notice be amended as follows:</p> <p>"You are permitted to select the physician who will provide medical treatment for a work injury if you "predesignate" that physician prior to any injury. Unless you so predesignate a physician or medical group...."</p> <p>Second, commenter states that the notice must give workers basic information regarding their right to continuity of care under Labor Code §4616.2 and information on how they can access the provider listing for the new MPN. Workers who are already receiving treatment for a work injury need to understand their right to continue treatment with their current provider, and must be able to check to see whether their provider is a</p>		<p>The additional information commenter requests regarding continuity of care (when a worker qualifies to continue treating with a terminated MPN provider) is not appropriate to be included in the short implementation notice that is distributed to all employees.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>member of the new MPN. Commenter recognizes that paragraph (a)(5) does state that the contact information should include the MPN website, <i>if applicable</i>, and that the website <i>may</i> provide information about the provider list. However, there is no reference to website information in the sample implementation notice in subdivision (b), and consequently commenter believes that it will not be provided in most notices issued under this section. To correct these problems commenter recommends that subdivision (a) be amended to require that information on the continuity of care policy of the MPN be included in the notice, and that paragraph (a)(5) be amended to require that the address of the website be included in the notice along with information on how to access the provider listing.</p> <p>Commenter also recommends that subdivision (a) be amended to require that the notice include information on how to access treatment outside the geographical area of the MPN. Commenter opines that providing information on how to access</p>		<p>The regulations already require a separate notice when continuity of care is applicable, as it is assessed on an individual basis and does not apply to all employees at the time of implementation of an MPN. Continuity of care may never apply to most employees so to include it in a general implementation notice to all employees will make the notice more confusing.</p> <p>Moreover, any website information for the MPN, which would include provider information is already listed as optional information to include in the notice if applicable.</p> <p>The comment to include more information on treatment outside the geographical MPN area is rejected because such information not appropriate to be included in the MPN</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>treatment only <i>after</i> an injury has already occurred and treatment has been received will only cause confusion and lead to unnecessary and costly disputes.</p> <p>Commenter recommends that subdivision (b) be amended so that the sample form includes these changes.</p>		<p>implementation notice. Whether an employee can treat outside the MPN service area is assessed on an individual basis and does not apply to all employees at time of implementation. This information is provided in the complete employee notification which is given at time of injury, when the worker may actually need to use it.</p>	None.
9767.12(a) and (b)	<p>Commenter states that one change in subdivision (a) shortens the time period for notification of implementation of an MPN from the current 30 days to 14 days. Commenter opposes this change as it will seriously compromise the ability of many workers to obtain necessary and timely treatment.</p> <p>According to the Initial Statement of Reasons this change is necessary "to reduce the gaps in MPN coverage that occur when changing MPNs or when implementing a new MPN."</p> <p>Commenter opines that while that may</p>	<p>Adam Dombchik, President - California Applicants' Attorneys Association (CAAA) October 7, 2009 Written Comment</p> <p>Mark Gearheart, Esq. California Applicants' Attorneys Association (CAAA) October 8, 2009 Oral Comment</p>	<p>Reject in part, Accept in part.</p> <p>The shorter notice period balances the goals of providing time for predesignation and reducing gaps in MPN coverage. The ability to transfer care will not be prevented by this reduced time frame, because transfer of care can occur at any time after the implementation of an MPN and is not limited by the notice period.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>be a problem for MPNs, the existence of any such "gaps" is <u>not</u> evidence of a problem with the current regulation. Commenter states that the fact that a driver is cited for speeding doesn't mean that the speed limit is at fault; likewise the fact that some MPNs do not meet the current regulatory requirement is not evidence that the 30 day requirement is inherently flawed. In fact, commenter opines that the current 30 day requirement is a reasonable compromise between the injured workers' need to receive this information in a timely manner and the MPN Applicants' need to operate efficiently. Commenter believes that the introduction of a fourteen (14) day requirement would confuse matters and may lead to the mistaken view that a transfer of care to a new physician as a result of a change of the MPN can be accomplished without compliance with Cal. Admin. Code §9767.9. Compliance with that section is difficult within the 30 day time period currently provided, and commenter believes that it would be impossible with the reduced 14 day period in this proposal. Commenter</p>		<p>Moreover, the process is not likely to be resolved within a 30 or 14 day period and the notice period does not impact the transfer of care process.</p> <p>There is also no evidence that workers will not be able to receive timely treatment as treatment is not denied because of this notice period. This comment is rejected.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>strongly urges that the current 30 day notice requirement be maintained.</p> <p>Subdivision (a) also modifies the current requirement that notices be sent in <u>both</u> English and Spanish and instead provides that the notice may be provided in whichever of these two languages is more appropriate for employees. Commenter opposes this change because it violates the requirement of Labor Code section 124(b) which mandates:</p> <p>(b) Forms and notices required to be given to employees by the division shall be in English and Spanish.</p> <p>Furthermore, the commenter believes that the proposed language is unworkable. An MPN Applicant will almost never know which of these two languages is "more appropriate." According to U.S. Census data, in 2008 more than one third of Californians were of Hispanic or Latino origin, but not all workers of Hispanic or Latino origin speak Spanish. Commenter asks should all notices sent to Hispanic or Latino</p>		<p>The comment to have the notices in both English and Spanish is accepted.</p>	<p>The notice language requirement will be changed to require English and Spanish.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>surnamed employees be in Spanish? And which of these two languages is "more appropriate" for the sizeable fraction of Californians who speak neither English nor Spanish? Commenter recommends that the current requirement to provide this notice in English and Spanish be maintained.</p>			
9767.12(a) and 9767.12(f)(3)	<p>Commenter states that Mark Gerlach of CAAA made a good comments regarding updating MPN Lists providing notices in English and Spanish.</p> <p>Commenter notes that his organization will continue to send out notices in both English and Spanish regardless of what the regulations require. Commenter also states that their notices are translated into 11 other different languages.</p> <p>Commenter acknowledges that some MPNs fail to update their network physician lists properly but that many others do. Commenter states that one problem is that physicians sometimes</p>	<p>Don Balzano Medex Health Care October 8, 2009 Oral Comment</p>	<p>Accept.</p>	<p>No action needed.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	decide to opt out of treating workers' compensation patients after they formerly agreed to do so. Commenter states that his organization does credentialing every two years but that many doctors are deciding to cease treating workers' compensation patients.			
9767.12(a)(1) and 9767.16(b)(1)	<p>These sections reference the employee's right to predesignate a personal physician or medical group. Commenter recommends when predesignation is stated in these regulations it should reference the statute, L.C. §4600(c)(8).</p> <p>Commenter recommends that the text for Sections 9767.12(a)(1), 9767.12(b)(1) be amended as follows:</p> <p>“That medical treatment for new work injuries will be provided through the Medical Provider Network as of the effective date of coverage unless the employee has properly predesignated a physician or medical group pursuant to Labor Code Section 4600(c)(8);”</p>	Kathleen Burrows Claims Operations Manager State Compensation Insurance Fund October 8, 2009 Written Comment	Reject. Including the Labor Code section for predesignation is not necessary and may undermine the goal of providing more accessible notices to workers in lay terms. Moreover, the Labor Code section cited for predesignation is incorrect, as the correct Labor Code section is 4600(d).	None.
9767.12(a)(3)	Commenter suggests that this subsection be revised to reflect the	Michael A. Lysobey Assistant General	Reject.	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>following language:</p> <p>(a)(3)(i) That if there has been a change in the MPN due to a change in carriers, an injury that arose while coverage was in force under the prior carrier will be managed under the prior carrier's MPN, if any, unless the new carrier contractually agreed to accept liability for injuries and claims that pre-existed the effective date of its coverage.</p> <p>(a)(3)(ii) That if there has been a change in the MPN without a change in carrier, then the claim for any injury that existed at the time the MPN changed may either be managed under the prior MPN or transferred to the new MPN as long as any appropriate notice is provided.</p> <p>(a)(3)(iii) That if there has been no change in MPN (that is, no MPN was being used by the employer immediately preceding implementation of the new MPN), employees with existing injuries may be transferred into the new MPN pursuant to the terms of Section</p>	<p>Counsel The Zenith October 7, 2009 Written Comment</p>	<p>The proposed changes are not necessary and would circumvent the intention to streamline notices and the wording would likely confuse workers. In addition, not all situations will be covered by the proposed language, which would likely result in more confusion for those employees in situations that are not addressed by the suggested language. The proposed regulatory language was drafted to be general enough to let the worker know that there may be an question as to whether they will need to treat their current injury under the old or new MPN and to alert the worker that they will need to talk to their adjuster to determine what to do in their situation. Because each worker's situation is unique, it is best to have these situations addressed on a case-by-case basis by a claims adjuster.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>9767.9.</p> <p>Commenter promotes this proposed language change to eliminate confusion to the employee and to cover all potential scenarios.</p>			
9767.12(a)(3)	<p>Commenter notes that under this subdivision that self insured employers “may” transfer old injuries into a new MPN, this is not true for insured employers who change carriers. Commenter recommends making a definitive declaration as to whether care is being transferred.</p>	<p>Steven Suchil Assistant Vice President American Insurance Association October 8, 2009 Written Comment</p>	<p>Reject. The existing proposed language is intended to encompass multiple situations, including the one raised by the commenter. Also, the comment may be true in many cases, but is not necessarily true in all cases. Thus, the more general statement is meant to alert workers to the possibility that they may need to obtain treatment under multiple MPNs. Moreover, whether transfer of care occurs happens on an individually assessed basis and cannot be addressed in a short notice that is intended to be applicable to everyone.</p>	None.
9767.12(a)(3)	<p>Commenter notes this section addresses what Employee Notification information is to be provided when the claims administrator has a new MPN and transfers claims. Self-insured</p>	<p>Kathleen Burrows Claims Operations Manager State Compensation Insurance Fund</p>	<p>Reject. The existing proposed language is intended to encompass multiple situations, including the one raised by the commenter. Also, the</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>employers may transfer existing claims into a new MPN, however, when the change occurs because of a change in insurers, existing claims are not transferred into the new MPN. Commenter believes that the text should be amended to prevent confusion to injured employees.</p> <p>Commenter recommends that the text be amended as follows:</p> <p>“(a)(3) That existing work injuries may be covered under the prior MPN or may be transferred into the new MPN, unless the MPN implementation results from a change in insurers. The worker should check with the worker’s claims adjuster for more information;”</p>	<p>October 8, 2009 Written Comment</p>	<p>comment may be true in many cases, but is not necessarily true in all cases. Thus, the more general statement is meant to alert workers to the possibility that they may need to obtain treatment under multiple MPNs.</p> <p>Moreover, whether transfer of care occurs happens on an individually assessed basis and cannot be addressed in a short notice that is intended to be applicable to everyone.</p>	
9767.12(a)(5)	<p>Commenter states that in this subdivision, and other provisions throughout the proposal, require the MPN contact’s name, telephone number, address and website. Commenter agrees that this is necessary information but is concerned that providing a specific contact name of an individual may create contact delays due to employee turn-over, vacations, etc. Commenter</p>	<p>Steven Suchil Assistant Vice President American Insurance Association October 8, 2009 Written Comment</p>	<p>Accept.</p> <p>The comment deleting the MPN contact’s name from the notices is accepted to allow more flexibility for MPN Applicants.</p>	<p>The requirement for an MPN contact name in the referenced notices will be deleted.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>believes that most issue are dealt with via call centers, and, therefore, suggests deleting requirements for a specific name from the listing.</p> <p>Commenter notes that this also applies to sections 9767.1(a)(1)(C), 9767.16(a)(2), 9767.16(b)(5) and 9767.16(c).</p>			
9767.12(a)(5)	<p>Commenter questions CAAA's assertion that if you audit the MPN networks that DWC will find that most if not all of the providers listed are inaccurate. Commenter does not want to deal with assumptions but with facts.</p>	<p>Thomas Barnes Vice President of Managed Care Products Gallagher Bassett Services October 8, 2009 Oral Comment</p>	Accept.	No action needed.
9767.12(a); 9767.12(d); 9767.12(g); 9767.16(e)	<p>The referenced regulations include the phrase, "... shall be provided in English and Spanish, or whichever is more appropriate for the employee." Commenter notes that DWC's Initial Statement of Reason indicated that the language requirement was amended to ensure that notices are in both English and Spanish or whichever is more appropriate for the employee. The word 'or' in the sentence is a function word that could be interpreted to indicate there are alternate language choices other than English and</p>	<p>Kathleen Burrows Claims Operations Manager State Compensation Insurance Fund October 8, 2009 Written Comment</p>	<p>Accept in part, Reject in part.</p> <p>The notices will be required only in English and Spanish to be consistent with other workers' compensation notices and for clarity.</p>	<p>The notice language requirement will be changed to require both English and Spanish.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Spanish.</p> <p>Commenter recommends that proposed change in the regulations be amended as follows:</p> <p>“ ... shall be provided in English and/or Spanish, or whichever is more appropriate for the employee.”</p>			
9767.12(b)	<p>Commenter recommends the following changes:</p> <p>b) The following language may be used for the initial written MPN implementation notice provided to covered employees: “Unless you have predesignated a physician or medical group, your <u>Your</u> new work injuries arising on or after <INSERT EFFECTIVE DATE OF NEW MPN>, will be treated by providers in a new Medical Provider Network <INSERT NEW MPN NAME>. If you have an existing injury, you may be required to continue care under your prior MPN <INSERT NAME OF PRIOR MPN IF AVAILABLE> <u>current provider</u> or you may be required to change to a provider in the new MPN.</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>Reject in part, Accept in part.</p> <p>The suggested changes to delete predesignation are rejected as not appropriate because predesignation is still valid law under 4600(d).</p> <p>The suggestion to delete reference to a prior MPN is rejected as not appropriate because the implementation</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Check with you claims adjuster. For periods when you are not covered under a MPN, you may choose a physician 30 days after you've notified your employer of your injury. Contact the <u>MPN Contact</u> at <INSERT MPN CONTACT NAME, PHONE AND ADDRESS> for more information about the use of the MPN.”</p> <p>Commenter states that because this notice is for the initial MPN implementation and notice for a change of MPN is handled elsewhere in the regulation, reference to a prior MPN should be deleted.</p> <p>Commenter opines that while it is necessary for a covered employee to be notified how to contact an MPN contact, it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN contact may change, be temporarily absent or there may be several MPN contacts.</p> <p>The right to predesignate a personal physician or medical group will only remain in effect until December 31, 2009 as this section of the Labor Code will be repealed. Because the proposed changes to the regulations will not be implemented</p>		<p>notice language is intended to clarify that the employee may still need to treat with a provider under a previous MPN for an existing injury. Because this determination is done on a case by case basis, the worker needs to contact the claims adjuster.</p> <p>The comment to delete the MPN contact name is accepted.</p>	<p>The MPN Contact name in the notice will be deleted.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	until after this date, and a statute has not been enacted to delete or extend the date, it is commenter's belief that the language should be removed from the proposed regulations.			
9767.12(b)	<p>Commenter states that the implementation notice in subdivision (b) contains incorrect information. The notice states that an injured worker who is receiving treatment under an existing MPN may be required to continue treatment with that MPN after it is terminated, or may be required to change to a provider in the new MPN. Commenter states that this does not conform to the language of Labor Code section 4616.2 which sets forth the rights of the employee for continuity of care. The <i>employee</i> is given the right to request that a provider in the terminated MPN provide the completion of treatment as described. Although subdivision 4616.2(e) does state that nothing shall preclude an employer or insurer from providing continuity of care beyond the requirements of that section, that provision simply authorizes the employer to allow such continuing care beyond the time limits specified in that section. It does <u>not</u> permit the</p>	<p>Adam Dombchik, President - California Applicants' Attorneys Association (CAAA) October 7, 2009 Written Comment</p>	<p>Reject.</p> <p>The commenter is getting the transfer of care process (which applies when a worker is treating with a non-MPN provider) confused with the continuity of care process, which applies only when an MPN provider has been terminated from the MPN. Continuity of care does not apply until after the MPN has been implemented and the provider is terminated from the MPN. The implementation notice language does not affect the continuity of care process in LC 4616.2.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>employer to require that the employee continue treatment in a terminated MPN where the employee does not desire to continue such treatment. Commenter opines that allowing the employer to essentially maintain two concurrent MPNs, one for existing injuries and another for new injuries, can only create confusion, delay, and added costs. Would the employer, for example, be required to maintain provider lists for both MPNs? Which MPN should be identified on the posted notice to employees required under §9881? Will both MPNs be required to provide information regarding continuity of care, or instructions on how to access treatment outside the MPN's geographical area, and, if so, is it realistic to assume that injured workers will be able to keep this information separate? What happens when an employee reports a new work injury and is told it is an aggravation or compensable consequence of an existing injury? Commenter states that maintaining two MPNs could only create confusion, delays, and disputes. Commenter recommends that this</p>		<p>Also, commenter is incorrect in assuming that MPN Applicants cannot have more than one MPN at the same time.</p> <p>MPN Applicants may in fact have multiple MPNs at one time to treat injuries for different claim periods and or different employees. The MPN Applicant is required to ensure that the appropriate MPN notices are provided to the covered employees under each MPN that applies to them.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	incorrect statement be deleted from the sample notice.			
9767.12(b)	Commenter states that Section 9767.12 seems to be providing the notice requirements to the employee when an employer initially chooses an MPN. Commenter points out that subdivision (b) talks about a New MPN and a Prior MPN. Commenter finds this confusing as there are other notice requirements for a change of MPN.	Steven Suchil Assistant Vice President American Insurance Association October 8, 2009 Written Comment	Reject. The proposed implementation notice language was intentionally drafted to be applicable to a implementation of a brand new MPN or to a change to another MPN because the situations can overlap and having notice language that applies to both would be simpler. Also, the proposed notice language is more applicable, as it is more common now for change of MPNs to occur as many employees have already been covered by a prior MPN and MPN Applicants are now constantly changing MPNs.	None.
9767.12(b)	Commenter recommends the following revision: b) The following language may be used for the initial written MPN implementation notice provided to covered employees: “Unless you have	Brenda Ramirez Claims and Medical Director California Workers’ Compensation Institute (CWCI) October 8, 2009	Reject in part, Accept in part. The suggested changes to delete predesignation are rejected as not appropriate because predesignation is still	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>predesignated a physician or medical group, your <u>A new work injuries injury</u> arising on or after <INSERT EFFECTIVE DATE OF NEW MPN>, will be treated by providers in a new Medical Provider Network <INSERT NEW MPN NAME>. If you have an existing injury, you may be required to continue care under your prior MPN <INSERT NAME OF PRIOR MPN IF AVAILABLE> <u>current provider</u> or you may be required to change to a provider in the new MPN. Check with your claims adjuster. For periods when you are not covered under a MPN, you may choose a physician 30 days after you've notified your employer of your injury. Contact <u>the MPN Contact</u> at <INSERT MPN CONTACT NAME, PHONE AND ADDRESS> for more information about the use of the MPN."</p> <p><u>Argument for changes</u> If this notice is not deleted as recommended in Section 9767.12(a), reference to a prior MPN should be removed since this notice is for a first MPN roll-out and notice for a change of MPN is handled elsewhere in the</p>	Written Comments	<p>valid law under Labor Code section 4600(d).</p> <p>The suggestion to delete reference to a prior MPN is rejected as not appropriate because the implementation notice language is intended to alert employees that they may still need to treat under a previous MPN for an existing injury and should check with the adjuster.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>regulation.</p> <p>It is necessary to notify workers of how to contact an MPN Contact, but not of an MPN Contact's name. The contact person for the MPN may change, be temporarily absent, or there may be several MPN Contacts.</p> <p>According to existing statutory language, the right to predesignate a personal physician or medical group remains in effect only until December 31, 2009. Since these proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend that date, commenter recommends deleting language concerning predesignation from this paragraph and wherever it appears elsewhere in the proposed regulations.</p>		<p>The comment to delete the MPN contact name is accepted.</p> <p>The suggested changes to delete predesignation are rejected as not appropriate because predesignation is still valid law under Labor Code section 4600(d).</p>	<p>The requirement to include the MPN Contact name in the notice will be deleted.</p>
9767.12(c)	<p>Commenter recommends the following changes:</p> <p>c) The initial written MPN implementation notice shall be provided to existing employees who will be covered by the MPN at least 14 days prior to the <u>effective date of coverage</u> will</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>Reject.</p> <p>The deletion of "coverage" is rejected. The use of the word "coverage" is accurate and clarifies that when the employee is a "covered" employee under an MPN, s/he</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>begin under the MPN or at the time of hire for new employees. The initial MPN notification may be provided <u>either</u> by mail or included on or with an employee’s paystub, <u>or</u> paycheck, or distributed through electronic means, including email, if the covered employee has regular electronic access to email at work to receive this notice, or by <u>posting the notice in close proximity to the workers’ compensation posting required under Section 9881</u> at least 14 days prior to the implementation of the MPN. If the employee cannot receive this notice electronically at work within the required time frame, then the supervisor shall provide this information to the employee in writing at least 14 days prior to the implementation of the MPN.</p> <p>Commenter suggests that having the option to post the MPN implementation notice as an alternative method for providing notice may offer a faster, more efficient and effective method of providing notice to covered employees.</p> <p>Commenter states the information found</p>		<p>is required to use the MPN.</p> <p>The suggestion to use “effective” date is rejected as unnecessary as the current language is clear and more accurate.</p> <p>The suggestion to use “either...or” is rejected for grammatical reasons.</p> <p>Also, only posting the MPN notice is rejected as an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under an MPN.</p> <p>If a worker cannot receive the notification through electronic means, such as a farm worker, then the employer has a responsibility to ensure the worker does receive adequate individual notice so the suggested deletion of this language is rejected.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	in the last sentence is unnecessary and duplicative of information in the previous sentence.			
9767.12(c)	<p>The amendments to this subsection would require the initial written MPN notice to be provided at least 14 days “prior to the date coverage will begin under the MPN.” Commenter believes that the specific time frame should be eliminated and the language “prior to initial implementation of an approved MPN” be substituted.</p> <p>Commenter believes that the requirement for possibly three documents to be provided to an employee in regard to an MPN implementation or change will likely create confusion and questions rather than simplify the process. There is a certain cost factor as well to the carrier or employer to print and distribute duplicative documents.</p> <p>Commenter opines that the requirement to print material with a specific date for implementation will likely delay implementation and change of an MPN because carriers seldom know sufficiently in advance of a change in workers’ compensation</p>	<p>Mark Sektan Vice President Association of California Insurance Companies October 8, 2009 Written Comment</p>	<p>Reject.</p> <p>The shorter notice period instead of the elimination of the notice period balances the goals of providing time for predesignation and reducing gaps in MPN coverage.</p> <p>The commenter is incorrect about the number of notices to be provided at MPN implementation. There is only one short notice to be given to a worker at implementation of an MPN (whether a brand new MPN or a change of MPNs.) The cost issue has been addressed by the shortening of the notices and the multiple methods of notice distribution.</p> <p>Workers need to know when they are required to treat under an MPN so they need to know the effective date of the MPN if they are to use it correctly.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>coverage. It is not uncommon for coverage decisions to be made only days in advance of a policy expiration date. Attempting to coordinate implementation and change in MPN coverage within the specific time requirements may cause carriers and employers to delay MPN implementation. This will result in gaps in MPN coverage, confusion about the continuity and transfer of care, and confusion about the actual effective date of the implementation. Commenter points out that incoming and outgoing carriers rarely discuss changes such as effective dates, termination dates, the name of an incoming MPN or the name of an outgoing MPN.</p>		<p>The ability to transfer care will not be prevented by this notice period, because transfer of care can occur at any time after the implementation of an MPN and is not limited by the notice period.</p>	None.
9767.12(c)	<p>Commenter recommends that the Administrative Director remove individual notification requirements proposed for all covered employees at time of MPN implementation or time of hire. If the Administrative Director decides to proceed with such individual notifications, commenter recommends the following changes:</p> <p>c) The initial written MPN</p>	<p>Brenda Ramirez Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use an MPN. These notices supplement existing workers' compensation benefit notices which do not adequately address the use of an MPN or</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>implementation notice shall be provided to existing employees who will be covered by the MPN at least 14 days prior to the <u>effective date of coverage</u> will begin under the MPN or at the time of hire for new employees. The initial MPN notification may be <u>posted in close proximity to the workers' compensation posting required under Section 9881</u>, provided by mail, or included on or with an employee's paystub, <u>or</u> paycheck, or distributed through electronic means, including email, if the covered employee has regular electronic access to email at work to receive this notice at least 14 days prior to the implementation of the MPN. If the employee cannot receive this notice electronically at work within the required time frame, then the supervisor shall provide this information to the employee in writing at least 14 days prior to the implementation of the MPN.</p> <p><u>Argument for changes</u> MPN notification via a posted notice offers a fast, efficient and effective method of notice implementation for</p>		<p>who the MPN contact is. The shorter notice period instead of the elimination of the notice period balances the goals of providing time for predesignation and reducing gaps in MPN coverage.</p> <p>The suggestion to use "effective" date is rejected as unnecessary as the current language is clear and more accurate.</p> <p>The deletion of "coverage" is rejected. The use of the word "coverage" is accurate and clarifies that when the employee is a "covered" employee under an MPN, s/he is required to use the MPN.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know they are covered by and must use an MPN. The suggestion to use "either...or" is rejected for</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>covered employees. See discussion in Sections 9767.12(a) and 9767.12(b).</p> <p>The last sentence is unnecessary and duplicative as the first sentence already includes the prior notification requirement.</p>		<p>grammatical reasons.</p> <p>If a worker cannot receive the notification through electronic means, such as a farm worker, then the employer has a responsibility to ensure the worker does receive adequate individual notice so the suggested deletion of this language is rejected.</p>	None.
9767.12(d)	Commenter finds this additional posting requirement unnecessary and requests that this section be eliminated.	Mike Sullivan, Esq. California Coalition on Workers' Compensation Government Affair Committee September 22, 2009 Written Comment	Posting of a complete MPN notification give the worker an opportunity to see the policies and procedures before injury, without requiring the employer to incur the cost of individual distribution until it is needed at time of injury.	None.
9767.12(d)	Commenter suggests revised this subsection to delete the following language at the end of this subsection: "and next to the workers' compensation posting required under section 9881." Commenter states that these postings may be included in larger group posters. Commenter	Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment	Accept in part. The language will be revised to allow the posting to be placed in close proximity to the workers' compensation poster.	The regulation will be revised to allow the compete notification to be posted in close proximity to the workers' compensation poster.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>opines that given the size of these postings, and space available in employers offices, the posting may both be in a conspicuous location and not adjacent to each other. Commenter states that this is an unnecessary and burdensome requirement.</p>			
9767.12(d)	<p>Commenter notes that this subsection requires that the MPN employee poster be placed in a conspicuous place, and then states that it must be next to the Notice to Employees poster. Commenter believes deleting the last phrase, and simply leaving “a conspicuous place” is preferable because physical limitations may sometimes come into play where it is not possible to place the posters next to one another.</p>	<p>Steven Suchil Assistant Vice President American Insurance Association October 8, 2009 Written Comment</p>	<p>Accept in part. The language will be revised to allow the posting to be placed in close proximity to the workers’ compensation poster.</p>	<p>The regulation will be revised to allow the complete notification to be posted in close proximity to the workers’ compensation poster.</p>
9767.12(f)	<p>Subdivision (f) includes a description of the information to be included in the "complete" employee notification. Paragraph (3) deals with the MPN provider directory. Commenter appreciates the fact that this paragraph has been amended in an attempt to better assure access to the directory, but he believes that the proposed language falls short in several critical</p>	<p>Adam Dombchik, President - California Applicants’ Attorneys Association (CAAA) October 7, 2009 Written Comment</p> <p>Mark Gearheart, Esq. California</p>	<p>Accept in part, Reject in part.</p> <p>The comment requiring having provider listings available on a website and updated regularly with the date of the update stated will be accepted.</p> <p>The comment about requiring the provider list be made</p>	<p>The regulation will be revised to require that all provider listings be posted on a website and be updated quarterly at minimum with the date of the latest update included on the listing.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>aspects. Commenter opines that the continued inability of injured workers <i>and their representatives</i> to obtain prompt and correct provider information remains one of the most problematic issues when dealing with MPNs. It is a common occurrence to contact a physician and be told he or she is no longer in the MPN. And not infrequently even the claim adjuster doesn't know which physicians are in an MPN.</p> <p>The proposed language of this paragraph attempts to resolve these problems by requiring that "if the provider listing is accessible on a website" the address must be listed, and that the listing "shall be regularly updated" to ensure accuracy. Unfortunately, commenter believes that this language falls well short of solving the widespread problems that persist in the system. Commenter repeats a recommendation that he has made in the past that these regulations should mandate that every MPN make a provider listing available on a website. Commenter fails to understand how the Division can be</p>	<p>Applicants' Attorneys Association (CAAA) October 8, 2009 Oral Comment</p>	<p>available to representatives is not necessary and is rejected.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>mandating a switch to an electronic adjudication system and yet not require that critically important information such as this provider listing be available in an electronic format.</p> <p>In addition, instead of mandating an unspecified "regular" update of the list, commenter urges that a specific time limit be included in the regulation. Commenter recommends that the language require that the listing be updated monthly. While such a requirement would undoubtedly be opposed as unnecessary and costly by MPNs, in fact it is neither. The MPN has to maintain an up-to-date list somewhere; if it doesn't that should be reason enough to impose a major fine or even withdraw authorization to operate. If an up-to-date list exists, linking that list to the MPN website is neither technologically complex nor expensive.</p> <p>Commenter strongly urges that subdivision (f) be amended to add a requirement that any provider listing</p>			

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	made available to employees and their representatives, whether provided electronically or on paper, shall specify the date the list was last updated. [Note: A letter from the law offices of Michael J. Richter was submitted during the public hearing as an example of this problem. A copy of the letter is available in the complete listing of comments.]			
9767.12(f)(2)	<p>Commenter suggests that this entire subsection be deleted and subsequent subsections be appropriately renumbered. Commenter finds this language too vague – it is unclear what MPN services are actually provided by the MPN applicant. Commenter states that if this section is suggesting the MPN applicant describe what services are provided by a medical provider, then this is too burdensome. Commenter suggestions, if the Division determines that some description is required, that language identical to Section 9880(c)(14) be adopted, which states:</p> <p>A description about Medical Provider Networks (“MPN”) which includes what a MPN is, the</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	<p>Reject. The existing language that has not been problematic and the other regulatory requirements address the issues raised.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>predesignation exemption from the MPN, when an employee must begin to use a physician form the MPN and how to request information about using a MPN.</p>			
9767.12(f)(3)	<p>Commenter refers to the sentence: “An employer of insurer shall ensure covered employees have access to, at minimum, a regional area listing of MPN providers in addition to maintaining and making available its complete provider listing in writing.”</p> <p>Commenter states that this is unfortunate language that the more unscrupulous applicant attorneys use to try and escape the network. In particular, they will demand the entire provider list in writing in every case. These lists can be thousands of names, and commenter states that providing them in written form can be burdensome and expensive. Commenter states that when the list is not provided as requested they assert the right to leave the network. Commenter refers to <i>Barrett Business Services v. WCAB (Desiderio)</i> (2008) 74 CCC 49 (writ denied) as a case in point.</p>	<p>Mike Sullivan, Esq. California Coalition on Workers’ Compensation Government Affair Committee September 22, 2009 Written Comment</p>	<p>Accept in part, Reject in part.</p> <p>The comment to make the provider listing available on CD or on a website to employees is accepted.</p>	<p>MPN Applicants will be required to provide provider listings electronically either by CD or via a website if an electronic listing is requested by the employee.</p> <p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Commenter suggests the language be revised as follows:</p> <p>“An employer or insurer shall ensure that covered employees have access, at a minimum, a regional area listing of MPN providers. This regional area listing shall be provided in writing to the employee upon notice of injury or within five days of any request. An employer shall also make available upon request to covered employees those portions of the approved provider list within a reasonable broader geographic area, and limited to the physician specialties appropriate to the claim. A complete provider list shall be provided upon written request in writing, on computer disc, or by written reference to a computer website.”</p>		<p>The suggested language to specify a time frame for the listing is rejected as not necessary as the adjuster already have an obligation to timely provide the listing. The suggested language to limit the provider listing specialties is too vague and could cause confusion over who determines which specialties are appropriate and what constitutes a “reasonable broader” geographic area.</p>	
9767.12(f)(3)	<p>The proposed amendment to this subsection would require MPNs to ensure that “employees have access to, at a minimum, a regional provider listing.” Commenter notes that it is unclear whether this change means that such a listing is posted with the</p>	<p>Mark Sektan Vice President Association of California Insurance Companies October 8, 2009 Written Comment</p>	<p>Accept. The proposed regulation does not state a requirement to have the provider listing be posted with the poster.</p>	<p>No action needed.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>employee notification poster. Insurers are supportive of providing access through the mandated electronic process if MPNs have to post the listing, however, these documents are difficult to maintain in a current format if a printed version must be provided. These listings would be very difficult to keep updated not to mention costly for the employer. Commenter believes that it should be sufficient for the MPN to provide this information to the employer, who then posts the website with the poster.</p>			
9767.12(f)(3)	<p>Commenter disagrees that most MPN network listings are outdated, at least the networkers under the commenter organization's control. Commenter states that the injured worker can request a list of providers from their MPN contact, either the employer or the adjuster. Commenter states that the injured worker is provided with a toll-free number on their notices and also provided a website address. Commenter states that the internet websites are updated daily. Commenter states that most of the inquires that his organization gets is to clarify which network they are in and</p>	<p>Thomas Barnes Vice President of Managed Care Products Gallagher Bassett Services October 8, 2009 Oral Comment</p>	<p>Accept.</p>	<p>No action needed.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	that after providing that information they have not had further problems.			
9767.12(f)(8)	<p>Commenter suggests that this subsection be modified to read, “What to do if a covered employee is unable to get an appointment...”</p> <p>Commenter opines that what constitutes “trouble” getting an appointment is too vague and unclear and would allow someone who is put on hold to argue that she had trouble getting an appointment.</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	<p>Reject. The existing language of the regulation has not been problematic. Also, the current regulation is not as limiting as the commenter’s proposed revision.</p>	None.
9767.12(h)	<p>Commenter suggest adding a new subsection (h) to read:</p> <p>“If the complete MPN notification is provided to an employee prior to or at the time of injury pursuant to any of the subsections above, then the employee shall be deemed to have received sufficient notice, and network control shall not be lost when such actual notice is received by that employee. For employees who received sufficient notice only at the time of injury and as a result do not have an opportunity to predesignate, the employee shall have the opportunity to designate a personal</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	<p>Reject. The suggested revisions may circumvent compliance with all the notice requirements and the suggested predesignation language would not be in compliance with the current law.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>physician within 14 days of the date of injury. Ref. 8 C.C.R. section 9780(f)”</p> <p>Commenter states that the issue is that an employer can abide by almost all of the provisions of this section and as a result an employee can receive actual notice multiple times, prior to the time of injury, but technically there is a notice failure at one point and the injured worker will argue that there should be no network control.</p> <p>Commenter opines that Network control should not be at issue when the injured worker has actual notice as this is contrary to the purpose of notice – the carrier or employer may still be subject to a regulatory fine, if applicable, for any technical notice failure, but should not lose network control when it is clear the employee had actual notice. Commenter states that the two primary concerns for the injured employee are, first, that the injured employee is aware of the MPN and how the MPN works when he or she is injured. Second, the employee should be given an opportunity to predesignate a physician if he or she so desires. If the employee receives a</p>			

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>complete MPN notification at any time up through the time of injury the first concern is handled. Commenter states that the second issue, predesignation, should be handled by giving the employee 14 days to predesignate or, if notice was only given after the injury, designate (either way, by using a predesignation form). Commenter states that his proposed language addresses both of these concerns while being fair to carriers and employers who have provided actual notice to the employee.</p>			
9767.16	<p>Commenter states that a number of changes to this section mirror changes to §9767.12, and he opposes these changes for the reasons stated above. Included are:</p> <p>(1) the 14 day time periods in subdivisions (b) and (f) should be amended to 30 days.</p> <p>(2) in subdivision (c) the sentence informing the employee that he or she may be required to continue treating under the terminated MPN is incorrect and should be deleted.</p>	<p>Adam Dombchik, President - California Applicants' Attorneys Association (CAAA) October 7, 2009 Written Comment</p>	<p>Reject in part, Accept in part.</p> <p>The shorter time frame allows time for predesignation and reduces gaps in MPN coverage. The ability to transfer care will not be prevented by this reduced time frame, because transfer of care can occur even after the implementation of an MPN. This comment is rejected.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	(3) in subdivision (e) the notices should be provided in English and Spanish and the reference to whichever is more appropriate should be deleted.		<p>The comment to delete the statement that continuing treatment with a prior MPN may apply is rejected because the use of the word “may” encompasses the situation when the prior MPN is still being used for old claims but new claims are under the new MPN.</p> <p>The comment to provide notices in English and Spanish is accepted.</p>	<p>None.</p> <p>The notice language requirement will be revised to require notices in English and Spanish.</p>
9767.16(a)(1)	<p>Commenter suggests that this subsection be modified to read, “The MPN Applicant which terminates its MPN or ceases to use its MPN shall ensure that every covered employee is provided the following information prior to such termination or cessation of use of the MPN by an MPN Applicant.”</p> <p>Commenter opines that without these changes, the proposed language results in a situation that is not in line with the legislative intent: if an employer that changes insurers and ceases to use the MPN, or effectively terminates the</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	<p>Reject. Despite the impact on MPN Applicants, the intent of the regulation is to ensure that employees know when they are covered by an MPN and when they are not, so they know when to use an MPN and when they do not have to.</p> <p>The regulations require the MPN Applicants to take responsibility for giving the appropriate and applicable notice for their MPNs. A separate MPN termination/cessation of use</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>MPN for its employees, the MPN applicant would be required to provide the termination language to the employees. Commenter states that this would result in every employer that moves to a new insurer without an MPN to provide the proposed termination language to all of its employees. If there is no new MPN, there will be no complete MPN notification at the time of injury, no steerage into a network, and no confusion for employees. If this notice is provided to injured employees who are already treating in the MPN, though, this language will result in a lot of confusion and belief that network control no longer applies, which is not necessarily the case.</p> <p>Alternatively, if DWC is concerned about notice to employees of employers that are moving from an insurer with an MPN to an insurer without an MPN, commenter suggests that this subsection be modified to read: “An employee which terminates or ceases use of an MPN and does not immediately continue coverage with a new MPN shall</p>		<p>notice and a separate change of MPN notice is required when those situations are applicable to the covered employees. When an employee is not going to be switched to a new MPN after termination of the old MPN, they will not get a change of MPN notice, but just a termination notice.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>ensure that every covered employee is provided the following information prior to such termination or cessation of use of the MPN.” Commenter states that in this case, where an employer chooses not to continue using an MPN, it shall be required to notify it employees. Commenter believes that placing this duty on the MPN applicant would be unduly burdensome.</p>			
9767.16(a)(1)(C)	<p>Commenter recommends the following changes:</p> <p>(C) The name <u>contact information including</u>, address, telephone number and a MPN website, if applicable, of the MPN Contact who can address MPN questions.</p> <p>Commenter states that while it is necessary for a covered employee to be notified how to contact an MPN contact, it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN contact may change, be temporarily absent or there may be several MPN contacts.</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	Accept.	The MPN contact name in the notice will be deleted.
9767.16(a)(1)(C)	<p>Commenter recommends the following revision:</p> <p>(C) The name <u>contact information</u></p>	<p>Brenda Ramirez Claims and Medical Director California Workers’</p>	Accept.	The MPN contact name in the notice will be deleted.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p><u>including</u>, address, telephone number and a MPN website, if applicable, of the MPN Contact who can address MPN questions.</p> <p><u>Argument for changes</u> While covered employees need to be notified how to contact an MPN contact, it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN may change, be temporarily absent or there may be several MPN contacts.</p>	<p>Compensation Institute (CWCI) October 8, 2009 Written Comments</p>		
9767.16(a)(2)	<p>Commenter recommends the following changes:</p> <p>(2) The following language may be provided in writing to covered employees to give the required notice of termination or cessation of use of an MPN: “The <Insert MPN Name> Medical Provider Network (MPN) will no longer be used for injuries arising after <Insert Date of MPN Termination or Cessation of Use>. You will/will not <Select Whichever is Appropriate> continue to use this MPN for work injuries occurring before this date while the MPN was in effect. For new injuries that occur when you are not</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	Accept.	The suggested substantive changes will be made to the sample notices.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>covered by a MPN, you have the right to choose your physician 30 days after you notify your employer of your injury. For You <u>you may obtain more MPN information, please contact from the MPN Contact at <Insert MPN Contact Name Information Including Telephone and Number, Address, and from the MPN Website If Applicable>, if you have any questions.</u>"</p> <p>Commenter opines that while it is necessary for a covered employee to be notified how to contact an MPN contact, it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN contact may change, be temporarily absent or there may be several MPN contacts.</p>			
9767.16(a)(2)	<p>Commenter notes that the Initial Statement of Reasons states that "The purpose of the amendments to subdivision (a)(2) is to provide a sample MPN termination or cessation of use notice." However, while that sentence describes the contents of the amended subdivision (a)(2), there is no reference to an important section in the current language that has been deleted. Specifically, current</p>	<p>Adam Dombchik, President - California Applicants' Attorneys Association (CAAA) October 7, 2009 Written Comment</p>	<p>Reject.</p> <p>The current proposed language sufficiently raises the issue of continuity of care by alerting the worker to check with the adjuster.</p> <p>The additional information commenter requests regarding continuity of care (when a</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>subparagraph (A) of subdivision (a)(2), which mandates that when a change is made to a different MPN the notice must include information on the continuity of care policy and the employee's right to continue treatment with his or her current provider, has been deleted. Although new subdivision (b)(3) now requires that employees be informed that existing injuries may be covered under the prior MPN and instructs the employee to call the adjuster for more information, commenter does not believe that this general and very limited requirement is sufficient to inform workers of their rights. Commenter opines that at best this inadequate language will generate an avalanche of phone calls to claim adjusters and at worst it will cause unnecessary disputes with the attendant delay and unnecessary cost. Commenter recommends that the proposed language in subdivision (b)(3) be deleted and replaced by the language of current subdivision (a)(2)(A).</p>		<p>worker qualifies to continue treating with a terminated MPN provider) is not appropriate to be included in the implementation notice. The regulations already require a separate notice when continuity of care is applicable, as it is assessed on an individual basis and does not apply to all employees at time of implementation of an MPN.</p>	
9767.16(a)(2)	<p>Commenter recommends the following revision:</p>	<p>Brenda Ramirez Claims and Medical</p>	<p>Accept.</p>	<p>The suggested substantive changes</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>(2) The following language may be provided in writing to covered employees to give the required notice of termination or cessation of use of an MPN: “The <Insert MPN Name> Medical Provider Network (MPN) will no longer be used for injuries arising after <Insert Date of MPN Termination or Cessation of Use>. You will/will not <Select Whichever is Appropriate> continue to use this MPN for work injuries occurring before this date while the MPN was in effect. For new injuries that occur when you are not covered by a MPN, you have the right to choose your physician 30 days after you notify your employer of your injury. For You <u>may obtain</u> more MPN information; please contact from the MPN Contact at <Insert MPN Contact Name Information Including Telephone and Number, Address, and <u>from the</u> MPN Website If Applicable>; if you have any questions.”</p> <p><u>Argument for changes</u> While covered employees need to be notified how to contact an MPN</p>	<p>Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments</p>		<p>will be made to the sample notices.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>contact, it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN may change, be temporarily absent or there may be several MPN contacts.</p>			
9767.16(a)(3)	<p>Commenter recommends the following changes:</p> <p>(3) The notice of MPN termination or cessation of use may be provided <u>either</u> by mail or included on or with an employee’s paystub, <u>or</u> paycheck, or distributed through electronic means, including email, if the covered employee has regular electronic access to email at work to receive this notice, <u>or by posting the notice in close proximity to the employee notification required by Sections 9881 and 9881.1.</u> If the employee cannot receive this notice electronically at work within the required time frame, then the supervisor shall provide this information to the employee in writing at least 14 days prior to the beginning of new MPN coverage.</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>Reject.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use or not use an MPN. These notices supplement existing workers’ compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p> <p>The suggestion to use “either...or” is rejected for grammatical reasons.</p> <p>Giving a choice to only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under an MPN.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Commenter opines that by having the option to post the notice of MPN termination or cessation as an alternative method for providing notice may offer a faster, more efficient and effective method of providing notice to covered employees.</p> <p>The information found in the last sentence is unnecessary and duplicative of information in the previous sentence.</p>		<p>If a worker cannot receive the notification through electronic means, such as a farm worker, then the employer has a responsibility to ensure the worker does receive adequate individual notice so the suggested deletion of this language is rejected.</p>	
9767.16(a)(3)	<p>Commenter recommends the following revision:</p> <p>(3) The notice of MPN termination or cessation of use may be <u>posted in close proximity to the employee notification required by Sections 9881 and 9881.1</u>, provided by mail or included on or with an employee's paystub, paycheck or distributed through electronic means, including email, if the covered employee has regular electronic access to email at work to receive this notice prior to the end of MPN coverage. If the employee cannot receive this notice</p>	<p>Brenda Ramirez Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject. The individual MPN notices are necessary to ensure the worker has enough information to properly use or not use an MPN. These notices supplement existing workers' compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>electronically at work within the required time frame, then the supervisor shall provide this information to the employee in writing prior to the end of MPN coverage.</p> <p><u>Argument for changes</u> Posting notice of MPN termination or cessation of use offers a faster, more efficient and effective method of notice implementation for covered employees. See discussion in Section 9767.12(a).</p>		<p>so they will know when they are covered under an MPN.</p> <p>If a worker cannot receive the notification through electronic means, such as a farm worker, then the employer has a responsibility to ensure the worker does receive adequate individual notice so the suggested deletion of this language is rejected.</p>	
9767.16(a)(3)	<p>Commenter believes that MPN termination through the means described is redundant and unnecessary as the worksite posted notice should be sufficient. Commenter requests that, should this provision be formally adopted, that “employer” replace “supervisor” to assure that the overall responsibility lies with the employer. Commenter also suggests that the phrase “or otherwise provided” be added after “...including e-mail,” to allow the employer the flexibility of providing the notification at an in-person meeting.</p>	<p>Kathleen G. Bissell, CPCU -- Assistant Vice President Liberty Mutual October 8, 2009 Written Comment</p>	<p>Reject in part, Accept in part.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use or not use an MPN. These notices supplement existing workers’ compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
			<p>consistently given to workers so they will know when they are covered under an MPN.</p> <p>The comment to replace “supervisor” with “employer” is accepted. The proposed regulation allows for the notification to be provided in person.</p>	<p>The word “supervisor” will be replaced with “employer.”</p>
9767.16(b)	<p>Commenter suggests that this subsection be modified so that the end reads: “... date of coverage under such Applicant’s MPN:” Commenter states that since there are potentially two MPN applicants referenced in this sentence, this modification clarifies that the change is to the new MPN applicant.</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	<p>Accept in substance for purposes of clarification.</p>	<p>The regulation will be revised to refer to “that” Applicant’s MPN instead of “the” Applicant’s MPN.</p>
9767.16(b)	<p>Commenter recommends that the Administrative Director remove individual change of MPN notification requirements proposed for all covered employees. If the Administrative Director decides to proceed with individual notification, commenter recommends the following changes:</p> <p>(b) If a MPN Applicant or insured</p>	<p>Brenda Ramirez Claims and Medical Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use or not use an MPN. These notices supplement existing workers’ compensation benefit notices which do not adequately address the use of an MPN or</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>employer is changing MPN coverage to a different MPN, the MPN Applicant that is providing the new MPN coverage shall ensure that every covered employee is provided written notice of the following information at least 14 days prior to the effective date of coverage under the new MPN:</p> <p><u>Argument for change</u> See Section 9767.12(a) discussion. Labor Code section 3550 Employee Notice provides covered employees, including employees with new injuries, of the current MPN information, and employees of self-insured employees who are being transferred into a new MPN already are required under Section 9767.12(d) to receive a complete MPN notice.</p>		<p>who the MPN contact is.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under which MPN.</p> <p>The shortening of the notification time period to 14 days instead of eliminating the notice period as suggested is intended to balance a reduction in gaps in MPN coverage while also allowing a worker time to predesignate before an MPN is implemented.</p>	
9767.16(b)(5)	<p>Commenter recommends the following changes:</p> <p>(5) The MPN Contact's name, telephone number, address and a MPN website, if applicable, for the worker to obtain more information about using the MPN.</p> <p>Commenter opines that while it is</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>Accept.</p>	<p>The MPN contact name in the notice will be deleted.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>necessary for a covered employee to be notified how to contact an MPN contact, it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN contact may change, be temporarily absent or there may be several MPN contacts.</p>			
9767.16(b)(5)	<p>Commenter recommends the following revision:</p> <p>5) The MPN Contact's name, telephone number, address and a MPN website, if applicable, for the worker to obtain more information about using the MPN.</p> <p><u>Argument for change</u> While covered employees need to be notified how to contact an MPN contact, it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN may change, be temporarily absent or there may be several MPN contacts.</p>	<p>Brenda Ramirez Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	Accept.	The MPN contact name in the notice will be deleted.
9767.16(c)	<p>Commenter recommends the following changes:</p> <p>(c) The following language may be provided in writing to covered employees to give the required</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	Reject in part, Accept in part.	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>notice of the change of MPN coverage: “Unless you have predesignated a physician or medical group, your <u>Your</u> new work injuries arising on or after <INSERT EFFECTIVE DATE OF NEW MPN> will be treated by providers in a new Medical Provider Network, <INSERT NEW MPN NAME>. If you have an existing injury, you may be required to continue care under your prior MPN <INSERT NAME OF PRIOR MPN IF AVAILABLE> or you may be required to change to a provider in the new MPN. Check with your claims adjuster. For periods when you are not covered under a MPN, you may choose a physician 30 days after you’ve notified your employer of your injury. <u>Contact the MPN Contact at <INSERT MPN CONTACT NAME, PHONE AND ADDRESS></u> for more information about the use of the MPN.”</p> <p>Commenter opines that while it is necessary for a covered employee to be notified how to contact an MPN contact, it is not necessary to notify them of the</p>		<p>Predesignation is still allowed under Labor Code section 4600(d), so the suggestion to delete the references to predesignation is rejected.</p> <p>The suggestion to not require an MPN contact name is accepted.</p>	<p>The MPN contact name will be deleted.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>name of the MPN contact. The contact person for the MPN contact may change, be temporarily absent or there may be several MPN contacts.</p> <p>The right to predesignate a personal physician or medical group will only remain in effect until December 31, 2009 as this section of the Labor Code will be repealed. Because the proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend the date, it is commenter's belief that the language should be removed from the proposed regulations.</p>			
9767.16(c)	<p>If the Administrative Director decides not to remove individual change of MPN notification requirements proposed for all covered employees, commenter recommends the following changes:</p> <p>The following language may be provided in writing to covered employees to give the required notice of the change of MPN coverage: “Unless you have predesignated a physician or medical group, your <u>Your</u> new work injuries arising on or after <INSERT EFFECTIVE DATE OF NEW MPN> will be treated by</p>	<p>Brenda Ramirez Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject in part, Accept in part.</p> <p>Predestination is still allowed under Labor Code section 4600(d) so the suggestion to delete the references to predestination is rejected.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>providers in a new Medical Provider Network, <INSERT NEW MPN NAME>. If you have an existing injury, you may be required to continue care under your prior MPN <INSERT NAME OF PRIOR MPN IF AVAILABLE> or you may be required to change to a provider in the new MPN. Check with your claims adjuster. For periods when you are not covered under a MPN, you may choose a physician 30 days after you've notified your employer of your injury. Contact the MPN Contact at <INSERT MPN CONTACT NAME, PHONE AND ADDRESS> for more information about the use of the MPN.”</p> <p><u>Argument for changes</u></p> <p>While covered employees need to be notified how to contact an MPN contact, it is not necessary to notify them of the name of the MPN contact. The contact person for the MPN may change, be temporarily absent or there may be several MPN contacts.</p> <p>The right to predesignate a personal physician or medical group remains in</p>		<p>The suggestion to not require an MPN contact name is accepted.</p>	<p>The MPN contact name will be deleted.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	effect only until December 31, 2009. Since these proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend that date, CWCI believes the language should be removed from the proposed regulations.			
9767.16(c)	Commenter objects to the requirement that the employer must notify the Division 45 days in advance before they change their carrier when they are not going to change their MPNs. Commenter states this is an unfair burden to employers. Commenter points out that many employers work with their brokers and/or risk managers and do not determine their insurance coverage until the night before the renewal date.	Thomas Barnes Vice President of Managed Care Products Gallagher Bassett Services October 8, 2009 Oral Comment	Reject. The referenced 45-day requirement is no longer a requirement under the proposed regulatory changes so the objection is moot.	No action needed.
9767.16(c) and (e)	Commenter objects to providing the specific dates of cessation of coverage in notice to employees. Commenter also objects to the requirement that the notice be provided in English and/or Spanish.	Thomas Barnes Vice President of Managed Care Products Gallagher Bassett Services October 8, 2009 Oral Comment	Reject. Workers need to know the dates of coverage under an MPN to know when they are bound by the terms and policies of the MPN. The requirement to provide notices in English and/or Spanish is to ensure that workers are given information	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
			in a language that they can better understand.	
9767.16(f)	<p>Commenter recommends the following changes:</p> <p>(f) The notice of a change of MPN coverage may be provided <u>either</u> by mail or included on or with an employee's paystub, <u>or</u> paycheck, or distributed through electronic means, including email, if the covered employee has regular electronic access to email at work to receive this notice, <u>or by posting the notice in close proximity to the employee notification required by Section 9881.12</u> at least 14 days prior to the beginning of new MPN coverage. If the employee cannot receive this notice electronically at work within the required time frame, then the supervisor shall provide this information to the employee in writing at least 14 days prior to the beginning of new MPN coverage.</p> <p>Commenter opines that having the option to post the MPN implementation notice as an alternative method for providing notice may offer a faster, more efficient and effective method of providing notice to</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>Reject.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use or not use an MPN. These notices supplement existing workers' compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under an MPN.</p> <p>If a worker cannot receive the notification through electronic means, such as a farm worker, then the employer has a responsibility to ensure the worker does receive adequate individual notice so the suggested deletion of this</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>covered employees.</p> <p>Commenter states that the information found in the last sentence is unnecessary and duplicative of information in the previous sentence.</p>		language is rejected.	
9767.16(f)	<p>If the Administrative Director decides not to remove individual change of MPN notification requirements proposed for all covered employees, commenter recommends the following changes:</p> <p>(f) The notice of a change of MPN coverage may be <u>posted in close proximity to the employee notification required by Section 9881.12</u>, provided by mail; or included on or with an employee's paystub; <u>or paycheck</u>; or distributed through electronic means, including email, if the covered employee has regular electronic access to email at work to receive this notice at least 14 days prior to the beginning of new MPN coverage. If the employee cannot receive this notice electronically at work within the required time frame, then the supervisor shall provide this information to the employee in writing at least 14 days prior to the beginning</p>	<p>Brenda Ramirez Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject.</p> <p>The individual MPN notices are necessary to ensure the worker has enough information to properly use or not use an MPN. These notices supplement existing workers' compensation benefit notices which do not adequately address the use of an MPN or who the MPN contact is.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under an MPN.</p> <p>If a worker cannot receive the notification through electronic means, such as a farm worker, then the employer has a responsibility to ensure the</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>of new MPN coverage.</p> <p><u>Argument for changes</u> Posting the MPN implementation notice offers a faster, more efficient and effective method of notice implementation for covered employees. See discussion in Section 9767.12(a). See Section 9767.12(a) discussion on deleting the 14 days minimum advance notice requirement.</p> <p>The last sentence is unnecessary and duplicative of information in the previous sentence.</p>		<p>worker does receive adequate individual notice so the suggested deletion of this language is rejected.</p> <p>The shortening of the notification time period to 14 days instead of eliminating the notice period as suggested is intended to balance a reduction in gaps in MPN coverage while also allowing a worker time to predesignate before an MPN is implemented.</p>	
9767.16(g)	<p>Commenter believes the following language should be eliminated:</p> <p style="padding-left: 40px;">(g) The name and coverage period of the MPN being used by the employer to treat current injuries shall be stated on the workers' compensation posting required under section 9881.</p> <p>Commenter states that the name and coverage period of the MPN is already stated in the other required notices in these regulations.</p>	Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment	Accept. This information is required by the proposed revisions to section 9881 so it is duplicative.	Delete the subdivision.
9767.16(g)	Commenter recommends deleting this	Brenda Ramirez	Accept. This information is	Delete the

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>entire subsection.</p> <p><u>Argument for change</u> The name and effective date of the current MPN is already stated in the other required notices in these regulations.</p>	<p>Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>required by the proposed revisions to section 9881.</p>	<p>subdivision.</p>
9767.16(h)	<p>Commenter suggest that a new subsection (h) be added to read:</p> <p>“If actual notice of termination or cessation of use is provided to an employee pursuant to any of the subsections above, the employee shall be deemed to have received sufficient notice, and network control shall not be lost when such actual notice has been provided.”</p> <p>Commenter opines that this modification will prevent an employee from asserting that he or she has not received notice of termination or cessation because – although in receipt of actual notice – the employee failed to receive one of the multiple copies of the notice foreseen in this section.</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	<p>Reject. The suggested revisions may circumvent compliance with all the notice requirements and the suggested predesignation language would not be in compliance with the current law.</p>	<p>None.</p>
9767.16(h)	<p>Commenter recommends the following revision:</p>	<p>Brenda Ramirez Claims and Medical Director</p>	<p>Reject.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>(h) If a change in MPN coverage results in modifications to a MPN's plan application or results in the filing of a new MPN application, the MPN modification or new application filing shall be submitted to DWC pursuant to section 9767.8 or 9767.3, whichever is applicable. Distribution to covered employees of the 14-day notice of a change of MPNs shall occur after DWC's approval of a MPN modification or new MPN.</p> <p><u>Argument for change</u> CWCI has recommended deleting the 14-day requirement. See the Section 9767.12(a) discussion.</p>	<p>California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>The shortening of the notification time period to 14 days instead of eliminating the notice period as suggested is intended to balance a reduction in gaps in MPN coverage while also allowing a worker time to predesignate before an MPN is implemented.</p>	
9767.6(d)	<p>Commenter states that this section provides in general that, upon notice of injury, the employer has the obligation to schedule an applicant to see an appropriate physician within the MPN. The right of the employee to choose and change physicians within the MPN is promulgated in section (e). Section (d) then goes on to require that the employer "shall notify the employee of his or her right to be treated by a physician of his or her choice within the MPN after the first</p>	<p>Mike Sullivan, Esq. California Coalition on Workers' Compensation Government Affair Committee September 22, 2009 Written Comment</p>	<p>Reject. The comments apply to sections that are out of the scope of the rulemaking.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>visit with the MPN physician and the method by which the list of participating providers may be accessed by the employee." Commenter proposes that this language be eliminated.</p> <p>Commenter finds this language superfluous and confusing because this appears to be a wholly separate notice requirement, albeit one that does not have any mandated form, and one that has limited information, that is, (1) the right of the employee to change treating doctors within the MPN, and (2) the method by which the employee can identify the potential doctors. Commenter states that this regulation is ambiguous on the issue of how long the defense has to send this notice, saying only that it needs to be sent "after the first visit with the MPN physician". It would appear that this notice requirement is duplicative of the notice given at the time of injury, and is therefore nothing more than fodder for dispute.</p>			
9767.8 Form of Notice	Commenter suggests the following modifications:	Michael A. Lysobey Assistant General Counsel	Reject in part, Accept in part.	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<ol style="list-style-type: none"> 1. Section 10 of the form Notice under Section 9767.8 be modified to add at the end of the quoted language, "...and that I am authorized to act on behalf of the MPN with respect to the MPN." 2. The second page, third item be modified to delete "or Authorized Individual." 3. Second page, seventh item be modified to correct the type-o, "Provide a copy <u>of</u> the" 4. Second page, eleventh and last item be modified to delete the language "(For example, change in use of a deemed entity, change in MPN contact information, change in provider listing access or website information, etc.)" 	<p>The Zenith October 7, 2009 Written Comment</p>	<p>Reject in part, Accept in part.</p> <p>Suggestions (1) is rejected as duplicative of the proposed regulatory requirement and not necessary.</p> <p>Suggestion (2) is rejected because a change in authorized individual is material and should be included.</p> <p>Suggestion (3) accepted for accuracy.</p> <p>Suggestion (4) is accepted for clarification. The regulations will clarify which material changes require a modification filing.</p>	<p>The suggested edit in (3) and the deletion in (4) will be made.</p> <p>The regulation will be revised to include a defined list of material changes that trigger a material modification filing.</p>
9767.8(a)(10)	<p>Commenter recommends the following language be deleted:</p> <p>(10) Any other material change to the MPN application. (For example, changes in use of a deemed entity, change in MPN contact information, change in provider listing access or website information, etc.)</p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>Accept. The regulations will clarify which material changes require a modification filing.</p>	<p>The regulation will be revised to include a defined list of material changes that trigger a material modification filing.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Commenter states that the administrative director in previous rulemaking identified this, listing all changes that warranted the obligation of serving in advance an MPN Plan Modification and waiting up to 60 days for approval before implementing the change. If it is the belief of the administrative director that other changes should also trigger this requirement, commenter states that it is important to define the changes and add them so as to avoid disputes over what constitutes a material change. If the language is deleted as suggested, the administrative director will need to make corresponding changes to the Notice of Medical Provider Network Plan Modification form §9767.8.</p>			
9767.8(a)(10)	<p>Commenter is concerned about the addition of this subsection and believes it to be unclear because it leaves the determination of what is a “material change” subject to debate and dispute. Commenter recommends that the Division specifically add any items that the Division believes to be material changes rather than the current language which lacks clarity.</p> <p>Commenter notes that should the Division accept this recommendation, that the proposed Notice of Medical</p>	<p>Steven Suchil Assistant Vice President American Insurance Association October 8, 2009 Written Comment</p>	<p>Accept. The regulations will clarify which material changes require a modification filing.</p>	<p>The regulation will be revised to include a defined list of material changes that trigger a material modification filing.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	Provider Network Plan Modification would also require revision.			
9767.8(a)(10)	<p>Commenter notes that this section addresses filing documentation when specific changes occur. The proposed language added “Any other material changes ...” but does not specify what is considered ‘other material changes’. The MPN Applicant would be required to make the determination regarding what is considered pertinent ‘other material changes’. The Applicant may not necessarily submit the required information on modifications to the MPN plan which could result in unnecessary disputes.</p> <p>Commenter recommends the Administrative Director replace the proposed language in §9767.8(a)(10) and specifically list all MPN changes that are deemed material. Commenter also recommends this language be removed from the ‘Notice of Medical Provider Network Plan Modification’ form.</p> <p>“Any other material change to the MPN application. (For example, changes in use of a deemed entity, change in MPN contact information;</p>	Kathleen Burrows Claims Operations Manager State Compensation Insurance Fund October 8, 2009 Written Comment	Accept. The regulations will clarify which material changes require a modification filing.	The regulation will be revised to include a defined list of material changes that trigger a material modification filing.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	change in provider listing access or website information, etc.)”			
9767.8(a)(10)	<p>Commenter believes that this section should not be adopted as it is too general in nature. Commenter notes that while examples listed may constitute changes to the MPN that should trigger a material modification, the general nature of this particular subsection could lead to confusion and potential litigation.</p>	<p>Mark Sektnan Vice President Association of California Insurance Companies October 8, 2009 Written Comment</p>	<p>Accept. The regulations will clarify which material changes require a modification filing.</p>	<p>The regulation will be revised to include a defined list of material changes that trigger a material modification filing.</p>
9767.8(a)(10)	<p>Commenter proposes eliminating this subsection.</p> <p>Commenter notes that in previous rulemaking the AD identified in this listing all changes sufficiently significant to trigger the administrative burden of serving in advance an MPN Plan Modification and waiting up to 60 days for its approval before implementing the change. Commenter opines that if the AD believe other changes should also trigger this requirement, it is important to specify those changes and add them to avoid disputes over whether changes are “material” and to avoid unnecessary delays.</p>	<p>Brenda Ramirez Claims and Medical Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Accept. The regulations will clarify which material changes require a modification filing.</p>	<p>The regulation will be revised to include a defined list of material changes that trigger a material modification filing.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Commenter states that if this section is deleted as recommended, that corresponding changes to the Notice of Medical Provider Network Plan Modification form will be needed.</p>			
9767.8(a)(10)	<p>Commenter states that the proposed changes would broaden the potential ‘material’ changes that would trigger a formal notification of MPN Plan modification without specificity as to how ‘material’ is defined. For this reason, commenter suggests that this change be eliminated as it lacks sufficient clarity.</p> <p>Commenter also notes the change under (10)(b) would trigger notification of a change in both liaison and authorized individual. Commenter finds these two contact to be distinct enough to suggest that a 5 business day notification for the liaison would be acceptable and necessary for the purpose of the Division; however, the appointment of an authorized individual involves a multi-departmental process and in a practical sense requires more time. Commenter respectfully requests that the Division consider language that</p>	<p>Kathleen G. Bissell, CPCU -- Assistant Vice President Liberty Mutual October 8, 2009 Written Comment</p>	<p>Accept in part, Reject in part.</p> <p>The regulations will be revised clarify which material changes require a modification filing.</p> <p>Because the authorized individual is the only individual who legally represents the MPN Applicant it is critical that DWC be able to address MPN problems with the authorized individual at any time. Interim authorized individuals may be appointed until a permanent one is found but contact information for an authorized individual needs to be valid at all times.</p>	<p>The regulation will be revised to include a defined list of material changes that trigger a material modification filing.</p> <p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	would instead allow the applicant to notify of the change in authorized individual under the “other” area of the form.			
9767.8(a)(10); (b)	<p>Commenter suggests the following changes:</p> <p>“Any other material change to the MPN application. (For example, changes in the use of a deemed entity, change in MPN contact information, change in provider listing access or website information, etc.)</p> <p>Commenter acknowledges that this subsection was added to define what constitutes a material change to the MPN application but believes it to be too broad. Commenter states that a change in the use of a deemed entity may or may not be a material change that would require a filing and an approval. Therefore, commenter states that a material modification filing should not be required in every instance that an applicant utilizes an entity with its MPN. For instance, commenter opines that a change in MPN contact information, a change in provider listing access and a change in</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	<p>Reject in part, Accept in part.</p> <p>The regulations will be revised to clarify which material changes require a modification filing.</p> <p>All stated material modifications in the regulations, including the change in the use of a deemed entity, are considered to be information important to the proper usage or application of an MPN.</p> <p>For example, if an MPN is using a deemed entity’s network, then the provider listing does not need to be included in the application. The provider listing is a material part of the application</p>	<p>The regulation will be revised to include a defined list of material changes that trigger a material modification filing.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>to the website address should not constitute a material change to the MPN that would require a filing and an approval.</p> <p>Commenter notes that a change of the DWC liaison, in Subsection (b), is not a material change and only requires notice to be provided to DWC. Commenter proposes that the division modify Subsection (b) so the MPN applicant is required to give notice of one of the changes indentified above but not be required to submit a material filing modification each time one of these types of changes occurs. Commenter opines that this approach would ensure that the DWC is notified of appropriate changes and would reduce the administrative burdens on both the DWC and MPN applicants.</p> <p>Further commenter proposes that Subsection (b) be modified to eliminate the language “or authorized individual.” Section 9767.3(d)(6), as proposed, makes clear than an authorized individual is an officer or employee of the MPN applicant with authority to act on behalf of the MPN</p>		<p>and if it is not included when it should be, the application will be disapproved.</p> <p>Also, the MPN Liaison is the main contact between DWC and the MPN and it is of key importance that DWC be able to contact the liaison to discuss any problems with the MPN application or implementation. Experience has shown that many liaisons have been changed without notification to DWC as required causing multiple delayed resolution to MPN problems and concerns, including violation of the regulations.</p> <p>Because the authorized individual is the only individual who legally represents the MPN Applicant it is critical that DWC be able to address MPN problems with the authorized individual at</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>with respect to the MPN. Commenter states that any given MPN applicant may have multiple authorized individuals. Commenter opines that it makes no sense to identify a change in authorized individuals on a case-by-case basis.</p> <p>Commenter proposes that Section 10 of the form Notice under Section 9767.8 be modified to add at the end of the quoted language, “...and that I am authorized to act on behalf of the MPN with respect to the MPN.” to clarify that the signatory is an authorized individual. Commenter suggests similar changes be made anywhere else that an authorized signature is required.</p>		<p>any time, especially if the Liaison is not available or does not have the authority to take actions needed. Interim authorized individuals may be appointed until a permanent one is found but contact information for an authorized individual needs to be valid at all times.</p> <p>The suggestion for section 10 is rejected as duplicative of the proposed regulatory requirement and not necessary.</p>	None.
9767.9(f) and 9767.10(d)(1)	<p>Commenter points out that these sections require that notices be given “. . . in English and Spanish and use layperson’s terms to the maximum extent possible.”</p> <p>Commenter requests that to be consistent with the changes made to other transfer notices, this language should be changed to read “. . . in English and Spanish or whichever is</p>	Mike Sullivan, Esq. California Coalition on Workers’ Compensation Government Affair Committee September 22, 2009 Written Comment	Reject in part, Accept in part.	The regulation will be revised to require notices in English and Spanish and the phrase, “whichever is more appropriate for the employee” deleted.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>more appropriate for the employee, and use layperson’s terms to the maximum extent possible.” This will allow the defense to avoid any argument that the notice is invalid because it was not sent in both languages.</p>			
9767.9(g)	<p>Commenter finds the language in this section poorly worded.</p> <p>The language currently reads as follows: “If the injured covered employee disputes the medical determination under this section, the injured covered employee shall request a report from the covered employee’s primary treating physician that addresses whether the covered employee falls within any of the conditions set in subdivisions (e) (1-4). The treating physician shall provide the report to the covered employee within twenty calendar days of request. If the treating physician fails to issue the report then the determination made by the employer or insurer referred to in (f) shall apply.”</p> <p>Commenter opines that the problems</p>	<p>Mike Sullivan, Esq. California Coalition on Workers’ Compensation Government Affair Committee September 22, 2009 Written Comment</p>	<p>Reject. The comments relate to regulatory sections outside the scope of this rulemaking.</p> <p>The comments relate to</p>	<p>None.</p> <p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>with this are readily apparent. First, neither the Labor Code nor Regulations set forth a time limit for the applicant to make a request from the treating physician. In theory the applicant could accept the transfer, even stop treating for a long time, only to request that the treating physician issue a report objecting to the transfer a year or more later. This opines that this does not make any sense. The situation could get even more convoluted if the applicant switched primary treating physicians and later made the request of the original doctor. Second, the applicant does not have to notify anyone when the request is made. It is therefore not possible to validate the date of the request, to determine if the 20 day time period is met. Third, the physician is required to provide the report only to the covered employee. There is no way to validate that it was timely. Nor will the defense be aware of the report until it is served. Since there is no requirement of service, delays and confusion could well ensue.</p>		<p>regulatory sections outside the scope of this rulemaking.</p> <p>The comments relate to</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Commenter states that it is preferable and sensible that the treating physician be given 20 days to create the report and serve it 20 days from service of notice of transfer on both the applicant and the treating physician.</p> <p>Commenter states that the language of the regulation should be amended to read as follows: “If the injured covered employee disputes the medical determination under this section, the injured covered employee shall request a report from the covered employee’s primary treating physician that addresses whether the covered employee falls within any of the conditions set in subdivisions (e) (1-4). The treating physician shall provide the report to the covered employee and the employer within twenty calendar days of the service of the notice of decision to transfer care as provided for in subdivision (f). If the treating physician fails to issue the report then the determination made by the employer or insurer referred to in (f) shall apply.”</p>		regulatory sections outside the scope of this rulemaking.	None.
9880(c)	Commenter recommends the following revision:	Brenda Ramirez Claims and Medical	Reject in part, Accept in part.	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>(7) The rights of the employee to select and change the treating physician pursuant to the provisions of Labor Code Sections 4600 to 4601; including the right to predesignate a personal physician or a medical group;</p> <p>(14) A description about Medical Provider Networks (“MPN”) which includes what an MPN is, the predesignation exemption from the MPN, when an employee must begin to use a physician from the MPN, and how to request information about using a MPN.</p> <p><u>Argument for change</u></p> <p>The right to predesignate a personal physician or medical group remains in effect only until December 31, 2009. Since these proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend that date, CWCI recommends removing this language from the proposed regulations.</p>	<p>Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>The right to predesignation still exists so the suggested deletion of predesignation language is rejected.</p> <p>The requirement to include a short general description of an MPN to new employees is important basic information about benefits because more and more employees are covered by MPNs and such information helps alert them to find out if they are covered by an MPN and gives them contact information if they have questions before being injured. However, the language will be clarified to alert an employee that they may or may not be covered by an MPN.</p>	<p>The section will be revised to require a statement clarifying that an employee may or may not be covered by an MPN.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Commenter recommends deleting (14) because it is duplicative. The information specified in (14) is already required to be included in the complete written MPN notice in Section 9767.12. What is more, if no MPN is utilized this language is unnecessary, irrelevant and will confuse employees. If an MPN has been employed, the language will be in the complete written MPN notice where it logically belongs. Removing this duplicative language will also mean that claims administrators and insured employers need not make revisions to their written notices to new employees each time an MPN has a change in MPN information such as MPN contact information, change in URL, etc. Such changes are unnecessary, costly and time consuming.</p>			
9880(c)(7)	<p>Commenter suggests modifying this subsection to delete the language: “or a medical group.”</p> <p>Commenter opines that this would be an unduly burdensome requirement, and is inconsistent with the Labor Code. Commenter states that the regulations (8 C.C.R. Section 9780(f))</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	<p>Reject. Labor Code 4600(d) allows predesignation of a medical group.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>already define a personal physician and constrain what reasonably can be counted as a medical group. Commenter suggests that if the Division believes there is ambiguity that the regulations be referenced here. As proposed, commenter states that the language is not practical in that the definition would include medical groups that contain hundreds (or thousands) of physicians throughout the state. Commenter states that if the intent is to allow an employee to continue to treat with his or her physician, which whom he or she has previously established a relationship, allowing predesignation of a generic “medical group” does nothing to further this end. Instead, commenter opines that it may unintentionally result in the injured worker being allowed to pick from hundreds of physicians with whom the injured worker has absolutely no pre-existing relationship, which is not the intent of the legislation. Commenter states that even in a clinical model, such as Kaiser’s, an employee generally chooses a primary treater, even though the employee may not see that same</p>			

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>physician at every visit. Therefore, in order to predesignate a clinic model, the employee would still choose a particular physician. Commenter states that this will allow predesignation but avoid the pitfall of making selection so broad as to include every physician within a large group which has hundreds of physicians with whom the injured worker would have no prior direct relationship.</p>			
9881	<p>Commenter suggests that the complete written MPN employee notification should be posted in the workplace next to the Notice to Employees poster. The complete written MPN employee notification should be distributed at time of hire and at the time of injury. This would suffice to communicate to the employee the existence of an MPN, how it works, and the employee's rights.</p>	<p>Mark Sektnan Vice President Association of California Insurance Companies October 8, 2009 Written Comment</p>	<p>Accept. This is what is currently proposed in the regulatory changes.</p>	<p>No action needed.</p>
9881(b)	<p>Commenter recommends the following changes:</p> <p>(7) The rights of the employee to select and change the treating physician pursuant to the provisions of <u>Labor Code Sections 4600 to 4601, including</u></p>	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>Reject in part, Accept in part.</p> <p>The right to predesignation still exists so the suggested deletion of predesignation language is rejected.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>the right to predesignate a personal physician or a medical group;</p> <p>(13) A description about Medical Provider Networks (“MPN”) which includes what an MPN is, the predesignation exemption from the MPN, when an employee must begin to use a physician from the MPN, and how to request information about using a MPN. The MPN Contact telephone number, address and, if available, the MPN website address/URL, as well as the period of MPN coverage for the MPN being used by the employer to cover current injuries shall also be stated.</p> <p>Commenter states that the right to predesignate a personal physician or medical group will only remain in effect until December 31, 2009 as this section of the Labor Code will be repealed. Because the proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend the date, it is commenter’s belief that the language should be removed from the proposed regulations.</p>		<p>The requirement to include a short general description of an MPN on a poster about workers’ compensation benefits is important because more and more employees are covered by MPNs and such information helps alert them to find out if they are covered by an MPN and gives them basic contact information if they have questions before being injured. However, the language will be clarified to alert an employee that they may or may not be covered by an MPN.</p>	<p>The section will be revised to require a statement clarifying that an employee may or may not be covered by an MPN.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>Commenter states that the information specified in (13) is duplicative and is already required to be included in the complete written MPN notice in Section 9767.12 that must be provided to all covered employees. Furthermore, if an employer does not have an MPN the language is not necessary and may confuse employees. Removing this language will also rid claims administrators and insured employers from making revisions to their DWC-7 Notice to Employees each time an MPN has a change in MPN information such as MPN contact information, change in URL, etc. Commenter states that such changes are burdensome and costly.</p>			
9881(b)	<p>Commenter recommends the following revision:</p> <p>(7) The rights of the employee to select and change the treating physician pursuant to the provisions of Labor Code Sections 4600 to 4601; including the right to pre-designate a personal physician or a medical group;</p> <p>(13) A description about Medical Provider Networks (“MPN”) which includes what an MPN is, the pre-designation exemption from the</p>	<p>Brenda Ramirez Claims and Medical Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject in part, Accept in part.</p> <p>The right to pre-designation still exists so the suggested deletion of pre-designation language is rejected.</p> <p>The requirement to include a short general description of an</p>	<p>None.</p> <p>The section will be revised to require a</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>MPN, when an employee must begin to use a physician from the MPN, and how to request information about using a MPN. The MPN Contact telephone number, address and, if available, the MPN website address/URL, as well as the period of MPN coverage for the MPN being used by the employer to cover current injuries shall also be stated.</p> <p><u>Argument for change</u> The right to predesignate a personal physician or medical group remains in effect only until December 31, 2009. Since these proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend that date, CWCI recommends removing predesignation language from the proposed regulations.</p> <p>Commenter recommends deleting (13) because it is duplicative. The information specified in (13) is already required to be included in the complete written MPN notice in Section 9767.12. What is more, if no MPN is utilized this language is</p>		<p>MPN on a poster about workers' compensation benefits is important because more and more employees are covered by MPNs and such information helps alert them to find out if they are covered by an MPN and gives them basic contact information if they have questions before being injured. However, the language will be clarified to alert an employee that they may or may not be covered by an MPN.</p>	<p>statement clarifying that an employee may or may not be covered by an MPN.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>unnecessary, irrelevant and will confuse employees. If an MPN has been employed, the language will be in the complete written MPN notice where it logically belongs. Removing this duplicative language will also mean that claims administrators and insured employers need not make revisions to their DWC-7 Notice to Employees each time an MPN has a change in MPN information such as MPN contact information, change in URL, etc. Such changes are unnecessary, costly and time consuming.</p>			
9881(c)(13)	<p>Commenter suggests that the last sentence of this subsection be modified to read as follows: “The MPN Contact telephone number, address, and, if available, the MPN website/URL, as well as the effective date of the MPN coverage for the MPN being used by the employer...”</p> <p>Commenter states that the MPN Applicant will not know the end date of MPN coverage and so will not be in a position to know the period of MPN coverage. Otherwise, commenter finds this language would be unduly burdensome in that it would require</p>	<p>Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment</p>	Accept.	<p>The regulation 9881(c)(13) will be changed to require “the effective date of the MPN coverage for the MPN being used by the employer...”</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	new notices to be posted each time a policy is renewed.			
9881(c)(7)	Commenter suggests that this subsection be modified to delete the language: “or medical group” for the reasons related to Section 9880.	Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment	Reject. Labor Code section 4600(d) allows predesignation of a medical group.	None.
9881.1	<p>Commenter recommends that this section be deleted.</p> <p>Commenter states that the right to predesignate a personal physician or medical group will only remain in effect until December 31, 2009 as this section of the Labor Code will be repealed. Because the proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend the date, it is commenter’s belief that the language should be removed from the proposed regulations.</p>	Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment	Reject. The right to predesignation still exists under Labor Code section 4600(d).	None.
9881.1 Benefits	<p>Commenter recommends the following revision:</p> <p>Benefits. Workers' compensation benefits include:</p> <ul style="list-style-type: none"> • Supplemental Job Displacement Benefit: A nontransferable voucher 	Brenda Ramirez Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009	<p>Reject in part, Accept in part.</p> <p>The deletion of “arises on or after 1/1/04” is rejected as</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>payable to a state approved school if your injury arises on or after 1/1/04, and results in a permanent disability that prevents you from returning to work within 60 days after TD ends, and your employer does not offer <u>you</u> modified or alternative work.</p> <p><u>Argument for change</u> Because the poster is intended to inform employees about work injuries going forward, it is not necessary to address dates of injuries in the past.</p> <p>Adding “you” clarifies that this applies if the employer doesn’t offer modified or alternative work to a particular injured employee.</p>	Written Comments	<p>many injuries are still in litigation from that time period.</p> <p>The comment to add “you” is accepted for clarification.</p>	This section will be revised to state “and your employer does not offer <u>you</u> modified or alternative work.”
<p>9881.1 Naming Your Own Physician Before Injury or Illness (Predesignation)</p>	<p>Commenter recommends deleting this section. If the Administrative Director decides not to delete this section, commenter recommends the following changes:</p> <p>Naming Your Own Physician Before Injury or Illness (Predesignation). You may be able to choose the doctor who will treat you for a job injury or illness. If eligible, you must tell your employer, in</p>	<p>Brenda Ramirez Claims and Medical Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject.</p> <p>The right to predesignate still exists under Labor Code section 4600(d).</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>writing, the name and address of your personal physician or medical group <i>before</i> you are injured and your physician must <u>have agreed</u> to treat you for your work injury <u>injuries or illnesses</u>. For instructions, see <u>your employer for a current copy of the written information about workers' compensation that your employer is required to give to new employees.</u></p> <p><u>Argument for change</u> The right to predesignate a personal physician or medical group remains in effect only until December 31, 2009. Since these proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend that date, CWCI believes the language should be removed from the proposed regulations.</p> <p>Labor Code section 4600(d) requires the physician to agree to be predesignated, -- that is to agree to treat the injured employee for injuries that arise in the future.</p> <p>An employee is best directed to the</p>		<p>Proposed edits add unnecessary verbiage when current language is sufficiently clear.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>most current copy of the new hire pamphlet because a version provided at time of hire may well be outdated and include information that is no longer accurate.</p>			
<p>9881.1 If You Get Hurt</p>	<p>Commenter recommends the following revisions:</p> <p>If You Get Hurt: 1. Get Medical Care. If you need first aid, contact your employer. If you need emergency care, call 911 <u>for help immediately from the hospital, ambulance, fire department or police department.</u> If you need first aid, contact your employer; otherwise get medical care from the doctor/medical group listed below. Doctor/Medical Group _____ Tel _____ Address _____</p> <p>3. See Your Primary Treating Physician (PTP). This is the doctor with overall responsibility for treating your injury or illness. If you pre-designated by naming your personal physician or medical group</p>	<p>Brenda Ramirez Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject in part, Accept in part for clarification.</p> <p>The suggested edit to move the second sentence concerning emergency aid to the first sentence in paragraph 1 is accepted for clarity.</p> <p>The deletion of the pre-designation information is rejected as it is still valid law under Labor Code section</p>	<p>This section will be revised to read as follows: "If you need emergency care, call 911 for help immediately from the hospital, ambulance, fire department or police department. If you need first aid, contact your employer..."</p> <p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>before injury (see above), you may see him or her for treatment in certain circumstances. Otherwise, your <u>Your</u> employer has the right to select the physician who will treat you for the first 30 days. You may be able to switch to a doctor of your choice after 30 days. Different rules apply if your employer offers a Health Care Organization (HCO) or has a Medical Provider Network (MPN). You should receive information from your employer if you are covered by an HCO or a MPN. Contact your employer for more information.</p> <p>4. Medical Provider Networks. Your employer may be using an MPN to provide you with treatment to workers injured on the job. If your employer is using a MPN, a MPN notice should be posted next to this poster to explain how to use the MPN. You can request a copy of this notice by calling the MPN number below. If you have predesignated a personal physician prior to your work injury, then you may receive treatment from your predesignated doctor. If you have not predesignated and your employer</p>		<p>4600(d).</p> <p>The requirement to include a short general description of an MPN on the workers' compensation poster is important basic information because more and more employees are covered by MPNs and such information helps alert them to find out if they are covered by an MPN and where to get more information if they have questions. It also provides them with current MPN coverage information if they are covered by an MPN before injury and did not get the individual implementation notice.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>is using an MPN, you are free to choose an appropriate provider from the MPN list after the first medical visit directed by your employer. If you are treating with a non-MPN doctor for an existing injury, you may be required to change to a doctor within the MPN. For more information, see the MPN contact information below:</p> <p>Current MPN's toll free number: _____MPN website: _____ MPN Effective Date _____Current MPN's address: _____</p> <p><u>Argument for change</u> Because seconds may count in emergency situations, directions for emergency medical care should appear before directions for first aid so that they are seen first. The injured employee also needs direction to care other than emergency care or first aid.</p> <p>The right to predesignate a personal physician or medical group remains in effect only until December 31, 2009. Since these proposed changes to the</p>			

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend that date, CWCI believes the language should be removed from the proposed regulations.</p> <p>Commenter recommends deleting (4) because it is duplicative. The information specified in (4) is already required to be included in the complete written MPN notice in Section 9767.12. What is more, if no MPN is utilized this language is unnecessary, irrelevant and will confuse employees. If an MPN has been employed, the language will be in the complete written MPN notice where it logically belongs. Removing this duplicative language will also mean that claims administrators and insured employers need not make revisions to their DWC-7 Notice to Employees each time an MPN has a change in MPN information such as MPN contact information, change in URL, etc. Such changes are unnecessary, costly and time consuming.</p>			
9881.1 - Benefits	Commenter recommends the	Joe Carresi, Project	Reject in part, Accept in part.	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>following changes:</p> <p>Benefits. Workers' compensation benefits include:</p> <ul style="list-style-type: none"> • Supplemental Job Displacement Benefit: A nontransferable voucher payable to a state approved school if your injury arises on or after 1/1/04, and results in a permanent disability that prevents you from returning to work within 60 days after TD ends, and your employer does not offer <u>you</u> modified or alternative work. <p>Commenter believes that the intent of the poster is to inform employees about work injuries going forward and that it is not necessary to provide information for injury dates in the past.</p> <p>Commenter states that adding "you" clarifies that it applies to a particular injured employee if the employer does not offer modified or alternative work.</p>	<p>Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>The deletion of "arises on or after 1/1/04" is rejected as many injuries are still in litigation from that time period.</p> <p>The comment to add "you" is accept for clarification.</p>	<p>None.</p> <p>This section will be revised to state "and your employer does not offer you modified or alternative work."</p>
<p>9881.1 – If You Get Hurt</p>	<p>Commenter recommends the following changes:</p> <ol style="list-style-type: none"> 1. Get Medical Care. If you need first aid, contact your employer. If you need emergency care, call 911 <u>or follow your employer's</u> 	<p>Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment</p>	<p>Reject in part, Accept in part for clarification.</p> <p>The suggested edit to move the second sentence concerning emergency aid to the first</p>	<p>This section will be revised to read as follows: "If you need emergency care, call 911 for help</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p><u>emergency procedure. If you need first aid, contact your employer; otherwise get medical care from the doctor/medical group listed below.</u> <u>Doctor/Medical</u> <u>Group</u> _____ <u>Tel</u> _____ <u>Address</u> _____</p> <p>3. See Your Primary Treating Physician (PTP). This is the doctor with overall responsibility for treating your injury or illness. If you pre-designated by naming your personal physician or medical group before injury (see above), you may see him or her for treatment in certain circumstances. Otherwise, you <u>Your</u> employer has the right to select the physician who will treat you for the first 30 days. You may be able to switch to a doctor of your choice after 30 days. Different rules apply if your employer offers a Health Care Organization (HCO) or has a Medical Provider Network (MPN). You should receive information from your employer</p>		<p>sentence in paragraph 1 is accepted for clarity.</p> <p>The deletion of the pre-designation information is rejected as it is still valid law under Labor Code section 4600(d).</p>	<p>immediately from the hospital, ambulance, fire department or police department. If you need first aid, contact your employer...”</p> <p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>if you are covered by an HCO or a MPN. Contact your employer for more information.</p> <p>4. Medical Provider Networks. Your employer may be using an MPN to provide you with treatment to workers injured on the job. If your employer is using a MPN, a MPN notice should be posted next to this poster to explain how to use the MPN. You can request a copy of this notice by calling the MPN number below. If you have predesignated a personal physician prior to your work injury, then you may receive treatment from your predesignated doctor. If you have not predesignated and your employer is using an MPN, you are free to choose an appropriate provider from the MPN list after the first medical visit directed by your employer. If you are treating with a non MPN doctor for an existing injury, you may be required to change to a doctor within the MPN. For more information, see the MPN contact information below:</p>		<p>The requirement to include a short general description of an MPN on the workers' compensation poster is important basic information because more and more employees are covered by MPNs and such information helps alert them to find out if they are covered by an MPN and where to get more information if they have questions. It also provides them with current MPN coverage information if they are covered by an MPN before injury and did not get the individual implementation notice.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
--	--	--------------------------------	----------	--------

	<p>Current MPN's toll free number: _____MPN website:_____</p> <p>MPN_____Effective_____Date _____Current_____MPN's address:_____</p> <p>Because seconds can make a difference in emergency situations, commenter recommends that directions for emergency medical care should appear before directions for first aid so that they are seen first. The employee should also be provided directions to care other than emergency care or first aid treatment.</p> <p>The right to predesignate a personal physician or medical group will only remain in effect until December 31, 2009 as this section of the Labor Code will be repealed. Because the proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend the date, it is commenter's belief that the language should be removed from the proposed regulations.</p> <p>Commenter state that the information specified in (4) is duplicative and is already required to be included in the complete written MPN notice in Section</p>			
--	--	--	--	--

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	9767.12 that must be provided to all covered employees. Furthermore, if an employer does not have an MPN the language is not necessary and may confuse employees. Removing this language will also rid claims administrators and insured employers from making revisions to their DWC-7 Notice to Employees each time an MPN has a change in MPN information such as MPN contact information, change in URL, etc. Commenter states that such changes are burdensome and costly.			
9881.1(7)	Commenter states that there is pending legislation that would essentially remove the sunset date for this section and that if SB 186 is not signed by the Governor by October 11, 2009, this section will not be consistent with statute after December 31, 2009.	Kathleen G. Bissell, CPCU -- Assistant Vice President Liberty Mutual October 8, 2009 Written Comment	Reject. The deletion of the predesignation information is rejected as it is still a valid right under Labor Code section 4600(d).	None.
Form of Notice to Employees – Injuries Caused by Work	Commenter suggests that the fourth sentence of Subsection 2 be modified to read: “Within one working day after you file a claim form, your employer shall authorize the provision of all treatment , consistent with the applicable treatment guidelines...”	Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment	Accept. This is the current language in the poster.	No action needed.
Form of Notice to Employees – Injuries Caused by Work	Commenter suggests that Subsection 3 be modified to delete the proposed added language, “ or medical group ”, for the reasons described in Section	Michael A. Lysobey Assistant General Counsel The Zenith	Reject. Labor Code section 4600(d) allows predesignation of a medical group.	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	9880.	October 7, 2009 Written Comment		
Form of Notice to Employees – Injuries Caused by Work	Commenter suggests that the second sentence of Subsection 4 be modified to read: “...a MPN notice should be posted in the same area as this poster ...” for the same reasons described with respect to Section 9767.12(d).	Michael A. Lysobey Assistant General Counsel The Zenith October 7, 2009 Written Comment	Reject. The proposed regulatory changes will be revised to require that the MPN notice shall be posted in close proximity to the poster.	None.
General Comment	<p>After being advised by the Administrative Director in many informal meetings that the Division was attempting to reduce the number of required MPN notices, commenter is disappointed to see an additional notice as well as a Posting Notice in these proposed regulations.</p> <p>Commenter questions the necessity for a separate poster when personal notification is provided to each employee at Date of Hire, Inception of an MPN, Date of Injury, Change of MPN, Cessation and Termination of MPN, as well as general information on the Division of Workers’ Compensation Form 1 and the “If You Get Hurt” poster.</p> <p>Commenter is also concerned with the proposed addition of pre-designation language throughout the proposed</p>	Steven Suchil Assistant Vice President American Insurance Association October 8, 2009 Written Comment	<p>Reject.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under an MPN.</p> <p>Posting the complete MPN notification is intended to give workers a chance to see the complete MPN policies if they wish to before injury and without requiring the MPN Applicant to incur the cost of individual distribution as is currently required.</p> <p>The deletion of the predesignation information is rejected as predesignation is</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>rules because the predesignation statute is set to be repealed on December 31, 2009. Commenter is aware that the Governor has a bill on his desk, SB 186 that would repeal the sunset of the statute, but has not yet been signed. Commenter opines that in the absence of the Governor's signature, going forward with the proposed language would be premature in that it would be erroneous by the time, or very near the time, the regulation went into effect.</p>		<p>still a valid right under Labor Code section 4600(d).</p>	
<p>General Comment</p>	<p>Commenter states that in various meetings with stakeholders and the regulated community, the Administrative Director (AD) has discussed the rationale for delivering the MPN notices efficiently and effectively. AD Nevans recommended streamlining the MPN notice regulations by allowing these notices to be posted in order to eliminate the need to send a separate notification to every individual covered employee.</p> <p>Commenter notes that in these proposed changes, instead of substituting notice by posting, the Administrative Director appears to be</p>	<p>Brenda Ramirez Claims and Medical Director California Workers' Compensation Institute (CWCI) October 8, 2009 Written Comments</p>	<p>Reject in part, Accept in part.</p> <p>The notices have been streamlined and flexibility in distribution provided.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under an MPN. This comment is rejected.</p> <p>Posting the complete MPN notification is intended to give workers a chance to see the</p>	<p>The regulatory changes will be made effective 90 days after adoption.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>adding a posting requirement in addition to the existing individual delivery requirement, and an additional notice. Commenter recommends permitting the option of MPN notifications by posted notice, and deleting the requirement to post the complete MPN notice.</p> <p>Commenter also recommends making changes to the MPN regulations that will eliminate or reduce the MPN coverage gaps that unnecessarily disrupt injured workers' medical care and raise administrative costs. This can be accomplished by removing the 14-day advance notice requirement for MPN notices and by permitting notice of MPN changes and other MPN information by posting.</p> <p>The Administrative Director proposed some language that may be used in MPN notifications. Commenter recommends that the Administrative Director provide language that may be used in a complete, written MPN employee notification as this will help the regulated community provide the appropriate information to injured</p>		<p>complete MPN policies if they wish to before injury and without requiring the MPN Applicant to incur the cost of individual distribution as is currently required.</p> <p>The shortening of the notification time period to 14 days instead of eliminating the notice period as suggested is intended to balance a reduction in gaps in MPN coverage while also allowing a worker time to predesignate before an MPN is implemented. This comment is rejected.</p> <p>The request to make the regulatory changes effective 90 days after adoption is accepted.</p>	

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>employees.</p> <p>Commenter stresses that MPN applicants will need time to program changes, change workflow, institute operational changes, and to educate staff and insured employers. Furthermore, because the state does not produce a “new hire pamphlet,” after the final regulations are promulgated; all claims administrators will need to create or obtain “new hire” pamphlets that have been appropriately revised and approved per CCR Section 9883 by the Administrative Director. These will need to be translated into Spanish, printed and distributed to both insured and self-insured employers. At the same time, the regulations also require employers to begin using revised posting notices and a revised NOPE/DWC-1 claim form, and time will be needed to print and distribute these materials, and to notify employers of the new mandates.</p> <p>In order to accommodate these changes, commenter recommends making the changes effective a</p>			

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	minimum of 90 days after the date the changes are adopted.			
General Comment	<p>Commenter states that back in the 1990's the Division formed a task force to examine the type and number of notices being sent out because the insurance industry was complaining regarding the burden of doing so. The task force was in existence for approximately 3 to 5 years. Commenter points out that this task force, comprised primarily of insurers and third party administrators, ultimately came to the conclusion that more notices were needed. Commenter opines that this is because notices are critically important to injured workers.</p> <p>Commenter states that when injured workers enter the workers' compensation system, that they know nothing about the system. The notices provided give them their only sense of where they belong, what their rights are, what their duties are and their responsibilities are in the workers' compensation system. Commenter stresses that getting those notices, having them be complete and provided</p>	<p>Mark Gerlach, Esq. California Applicants' Attorneys Association October 8, 2009 Oral Comment</p>	Accept.	No action needed.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	on a timely basis, provides the injured worker the information needed in order to navigate the workers' compensation system.			
Section 9767.12	<p>Commenter recommends the following changes:</p> <p>d) Separate from the initial MPN implementation notice, a complete written MPN employee notification with the information specified in subdivision (f) about coverage under the MPN being implemented shall be provided to covered employees at the time of injury, and when an employee is transferred into the MPN. This MPN notification shall be provided to employees in English and Spanish, or whichever is more appropriate for the covered employee. Unless Before MPN coverage is implemented, the complete written MPN employee notification shall be <u>is</u> posted in a conspicuous location frequented by employees during the hours of the workday and in close proximity to the workers' compensation posting required under Section 9881, <u>this notification shall be provided to a covered employee at or prior to the</u></p>	Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment	<p>Reject.</p> <p>Only posting the MPN notice is an insufficient method to ensure adequate notice is consistently given to workers so they will know when they are covered under an MPN and what the policies are that cover them.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p><u>time of injury, at the time of hire, or at or prior to the time an employee transfers into the MPN.</u></p> <p>(e) The complete MPN notification may be distributed through electronic means, including email, if the covered employee has regular electronic access to email at work to receive this notice at the time of injury or when the employee is being transferred into the MPN. If the employee cannot receive this notice electronically at work, then the supervisor shall provide this information to the employee in writing at the time of injury or when the employee is being transferred into the MPN.</p> <p>Committer states that for general workers' compensation rights and processes, posting MPN employee notifications is a reasonable, efficient and effective option for informing the employee of MPN rights and processes. If, the administrative director decides not to offer posting of the notice as an option and requires written notice to be delivered to the employee, commenter recommends</p>		<p>If a worker cannot receive the notification through electronic means, such as a farm worker, then the employer has a responsibility to ensure the worker does receive adequate individual notice so the suggested deletion of this language is rejected.</p>	<p>None.</p>

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	<p>deleting the language requiring posting of the notice. Commenter believes that it is not necessary to both post and deliver the notice. Commenter opines that the posting requirement will add additional burden and cost to employers, especially large employers like his firm that have a considerable number of work locations in the state.</p>			
Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility	<p>Commenter recommends removing any and all references to predesignate a personal physician.</p> <p>Commenter states that the right to predesignate a personal physician or medical group will only remain in effect until December 31, 2009 as this section of the Labor Code will be repealed. Because the proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend the date, it is commenter's belief that the language should be removed from the proposed regulations.</p>	Joe Carresi, Project Manager Southern California Edison October 7, 2009 Written Comment	Reject. The deletion of the predesignation information is rejected as predesignation is still valid under Labor Code section 4600(d).	None.
Workers' Compensation Claim Form (DWC	Commenter requests the removal of references to prior injury dates in the SJDB paragraph as the changes to the	Joe Carresi, Project Manager Southern California	Reject. The deletion of "arises on or	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
1) & Notice of Potential Eligibility	DWC 1 Notice of Potential Eligibility are intended for, and will be issued to, injured employees only after the changes to these regulations are implemented. References to prior injury dates are therefore irrelevant and unnecessary.	Edison October 7, 2009 Written Comment	after 1/1/04” is rejected as many injuries are still in litigation from that time period.	
Workers’ Compensation Claim Form (DWC 1) & Notice of Potential Eligibility	<p>Commenter recommends removing references to predesignated physician.</p> <p><u>Argument for change</u> The right to predesignate a personal physician or medical group remains in effect only until December 31, 2009. Since these proposed changes to the regulations will not be implemented until after this date, and a statute has not been enacted to delete or extend that date, commenter believes the language should be removed from the proposed regulations.</p> <p>Commenter recommends removing references to prior injury dates in the SJDB paragraph.</p> <p><u>Argument for change</u> Changes to the DWC 1 Notice of Potential Eligibility are intended for, and will be issued to, injured</p>	Brenda Ramirez Claims and Medical Director California Workers’ Compensation Institute (CWCI) October 8, 2009 Written Comments	<p>Reject.</p> <p>The deletion of the predesignation information is rejected as predesignation is still valid under Labor Code section 4600(d).</p> <p>The deletion of “arises on or after 1/1/04” is rejected as many injuries are still in litigation from that time period.</p>	None.

MEDICAL PROVIDER NETWORKS, DWC FORM 1 AND NOPE	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
	employees only after the changes to these regulations are implemented. References to prior injury dates are irrelevant and unnecessary.			