

**State of California**  
**DEPARTMENT OF INDUSTRIAL RELATIONS**  
**Division of Workers' Compensation**

**THIRD NOTICE OF MODIFICATION TO TEXT OF  
PROPOSED REGULATIONS**

(Subject Matter: Workers' Compensation  
CLAIM FORM AND NOTICE OF POTENTIAL ELIGIBILITY; NOTICE TO NEW  
EMPLOYEES POSTER; AND WRITTEN NOTICE TO NEW EMPLOYEES  
Title 8, California Code of Regulations Sections 9810 et seq.)

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation, pursuant to the authority vested in him by Labor Code §§133, 138.4, 139.5, 3550, 3551, 3600, 4604.5, 4658.5, 4658.6, 5307.3 and 5401, proposes modify the text of the following proposed amendments to Title 8, California Code of Regulations:

Section 9881.1	Notice to Employees Poster
Section 10118.1	Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility

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

Members of the public are invited to present written comments regarding these proposed modifications. **Only comments directly concerning the proposed modifications to the text of the regulations will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Marcela Reyes, Regulations Coordinator  
Department of Industrial Relations  
Division of Workers' Compensation  
Post Office Box 420603  
San Francisco, CA 94142

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations no later than **5:00 p.m. on Thursday, May 20, 2004**. Written comments may be submitted by facsimile transmission (FAX), addressed to the contact person at (415) 703-4720. Written comments may also be sent electronically (via e-mail), using the following e-mail address: [dwcrules@hq.dir.ca.gov](mailto:dwcrules@hq.dir.ca.gov).

## **AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE**

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently available for public review during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, at the offices of the Division of Workers' Compensation. The Division is located at 455 Golden Gate Avenue, 9th Floor, San Francisco, California.

Please contact the Division's regulations coordinator, Ms. Marcela Reyes, at (415) 703-4600 to arrange to inspect the rulemaking file.

The specific modifications proposed include changes to the text of the proposed amendments Title 8, California Code of Regulations, Section 9881.1 (Notice to Employees Poster), and Section 10118.1 (Workers' Compensation Claim Form [DWC 1] and Notice of Potential Eligibility).

## **DOCUMENTS SUPPORTING THE RULEMAKING FILE**

Comments received by the Division of Workers' Compensation concerning the Division's proposed changes have been added to the rulemaking file.

## **AUTHORITY AND REFERENCE**

In addition to the references cited previously, Senate Bill 899 amended Labor Code §4600 regarding the injured worker's right to predesignate a physician and to be treated by a physician of his or her own choice after the first 30 days.

## **FORMAT OF PROPOSED MODIFICATIONS**

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

Deletions from the codified regulatory text are indicated by strike-through, thus: ~~deleted language~~.

Additions to the codified regulatory text are indicated by underlining, thus: underlined language.

The proposed Forms (Notice to New Employees Poster and Workers' Compensation Claim Form [DWC 1] and Notice of Potential Eligibility) were presented without underlining or strike-through.

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

Deletions from the amended regulatory text, as proposed in May 2003, are indicated by double strike-through under-line, thus: ~~deleted language~~.

Additions to the regulatory text, as proposed in May 2003, are indicated by a double underline, thus: added language.

Deletions from the Forms, as proposed in May 2003, are indicated by double strike-through, thus: ~~deleted language~~.

Additions to the Forms, as proposed in May 2003, are indicated by a double underline, thus: added language.

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

The proposed Claim Form (Form DWC 1) part of Section 10118.1 is presented without underlining or strike-through. The previous version of the form is indicated as changed by a large “X” through the form.

Deletions from the amended regulatory text, as proposed on March 10, 2004, for the proposed Notice of Potential Eligibility part of Section 10118.1 and the Notice to Employees Poster, Section 9881.1, are indicated by double strike-through double under-line and Arial font, thus: ~~deleted language~~.

Additions to the regulatory text, as proposed on March 10, 2004, for the proposed Notice of Potential Eligibility part of Section 10118.1 and the Notice to Employees Poster, Section 9881.1, are indicated by a double underline and Arial font, thus: added language.

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

The proposed Claim Form (Form DWC 1) part of Section 10118.1 is presented without underlining or strike-through. The previous version of the form is indicated as changed by a large “X” through the form.

Deletions from the amended regulatory text, as proposed on April 27, 2004, for the proposed Notice of Potential Eligibility part of Section 10118.1 and the Notice to Employees Poster, Section 9881.1, are indicated by italics and double strike-through, thus: ~~deleted language~~.

Additions to the regulatory text, as proposed on April 27, 2004, for the proposed Notice of Potential Eligibility part of Section 10118.1 and the Notice to Employees Poster, Section 9881.1, are indicated by italics and a double underline, thus: added language.

## **SUMMARY OF PROPOSED CHANGES**

### **Modifications to Section 9881.1**

### **Posting of Notice to Employees**

Senate Bill 899 (effective April 19, 2004) amended Labor Code §4600 regarding the injured worker's right to predesignate a physician and to be treated by a physician of his or her own choice after the first 30 days. The sections of Section 9881 entitled "Naming Your Own Physician Before Injury" and "See Your Primary Treating Physician(PTP)" are modified to reflect these changes.

### **Modifications to Section 10118.1**

### **Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility**

Senate Bill 899 (effective April 19, 2004) amended Labor Code §4600 regarding the injured worker's right to predesignate a physician and to be treated by a physician of his or her own choice after the first 30 days. The section entitled "The Primary Treating Physician (PTP)" on the NOPE is modified to reflect these changes.

In addition, the margins of the top sections of the Claim Form were aligned.