

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

**NOTICE OF MODIFICATION TO TEXT OF
PROPOSED REGULATIONS**
**(Subject Matter: Workers' Compensation
Vocational Rehabilitation Regulations**
Title 8, California Code of Regulations Sections 10122 et seq.)

NOTICE IS HEREBY GIVEN that pursuant to Labor Code Sections 133, 139.5, and 5307.3, and Government Code Section 11346.8(c), the Administrative Director of the Division of Workers' Compensation proposes to modify the text of the following proposed amendments to Title 8, California Code of Regulations:

Section 10127.3	Qualified Rehabilitation Representative (QRR)
Section 10133.12	Form RU-94 "Notice of Offer of Modified or Alternative Work" and Form Filing Instructions

The proposed modifications are in response to comments received during the public comment period.

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 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:

Mary Leeman, 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 **Monday, December 9, 2002**. 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.

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. Mary Leeman, 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 10127.3 (Qualified Rehabilitation Representative [QRR]), and Section 10133.12 (Form RU-94, "Notice of Offer of Modified or Alternative Work" and Form Filing Instructions).

FORMAT OF PROPOSED MODIFICATIONS

July 2002 Proposal:

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 (Form RU-94 and Form RU-122) and Instructions were presented without underlining or strike-through.

First 15-Day Proposal

(Period ending Oct. 25, 2002):

Deletions from the amended regulatory text, as proposed in July 2002, are indicated by double strike-through underline, thus: ~~deleted language~~.

Additions to the regulatory text, as proposed in July 2002, are indicated by a double underline, thus: added language.

Deletions from the Forms, as proposed in July 2002, are indicated by double strike-through, thus: ~~deleted language~~.

Additions to the Forms, as proposed in July 2002, are indicated by a double underline, thus: added language.

Second 15-Day Proposal

(Period ending Nov. 15, 2002):

Deletions from the text as proposed in July 2002 are indicated by double underline and double strike-through, thus: ~~deleted language~~.

This 15-Day Proposal

(Period Ending Dec. 9, 2002)

Deletions from the text as previously proposed are indicated by italics and strike-through thus: ~~deleted language~~.

Additions to the regulatory text as previously proposed are indicated by a broken underline, thus: added language.

SUMMARY OF PROPOSED CHANGES

Modifications to section 10127.3

Qualified Rehabilitation Representative (QRR)

Section 10127.3 has been revised in response to comments that the modified regulation contained conflicting timeframes – ten days and fifteen days for the same time period. In order to be consistent with other regulations, “immediately” will be defined as “within fifteen days.” The employee shall be referred to an agreed upon Qualified Rehabilitation Representative (QRR) within 15 of the date he is determined to be medically eligible and chooses to participate in a vocational rehabilitation program. When the employee is referred to the QRR, the employer shall send the pertinent medical and vocational reports to the QRR. The words “claims administrator” have been changed to “employer” in order to be consistent with the Labor Code. The sentences have been rearranged in order to make the section more logical and references to Labor Code Sections have been inserted to add clarification.

Modifications to section 10133.12

Form RU-94 “Notice of Offer of Modified or Alternative Work” and Form Filing Instructions

The Form Filing Instructions for Form RU-94 has been modified. In response to comments regarding, the language following “Note” has been changed so that it is now consistent with the language found on the form itself. Specifically, the word “assumed” has been replaced by the word “deemed.”