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# DWCNewsline

Division of Workers' Compensation  
Carrie Nevans, Acting Administrative Director

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1515 Clay Street, 17<sup>th</sup> floor, Oakland, CA 94612 (510) 286-7100

Internet Web Page: <http://www.dir.ca.gov>

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Bulletin No. 59-07

August 14, 2007

## **Division of Workers' Compensation issues 15-day notice of revisions to proposed workers' compensation benefit notice and medical provider network regulations**

The Division of Workers' Compensation (DWC) has modified its proposed regulations concerning workers' compensation benefit notices. It has also modified the notice employees must receive when their employer terminates its medical provider network (MPN). A 15-day notice of modification was posted on the DWC Web site at [http://www.dir.ca.gov/dwc/DWCPropRegs/BenefitNoticeRegulations/BenefitNotice\\_regulations.htm](http://www.dir.ca.gov/dwc/DWCPropRegs/BenefitNoticeRegulations/BenefitNotice_regulations.htm). Members of the public may comment on the revisions until 5 p.m. on Aug. 29, 2007.

The proposed revisions to the draft include:

- An increase in the implementation time for the regulations, which extends the effective date to 120 days after the regulations are filed with the secretary of state
- Clarification of the content of notices that must be given to injured workers concerning resolution of medical evaluation disputes
- A requirement that specified notices sent to unrepresented injured workers will be required to be sent in an envelope that warns the injured worker that he or she may lose important rights if they do not take certain actions within 10 days, and that they should read the enclosed letter and any enclosed fact sheets very carefully
- Clarification of the proposed requirements concerning notices of supplemental job displacement benefits and offers of modified or alternative work for injuries occurring on or after Jan. 1, 2004
- Clarification of the proposed requirements concerning return to work notices for injuries occurring on or after Jan.1, 2005.

The proposed revisions also include clarification of the requirements to provide notice to employees covered by an MPN when the MPN is being terminated, including provisions that:

- A covered employee with an existing injury be notified of his or her right to choose a physician after an MPN is terminated or during a gap period between MPNs
- An employee with an existing injury be notified of the potential right to continue care with the existing physician under the MPN's continuity of care or transfer of care provisions after the MPN has been terminated

- Upon termination or cessation of use, any pending independent medical review under that MPN shall also be terminated
- A written letter signed by the MPN applicant's authorized individual shall be submitted to DWC that states the effective date of the termination or cessation of use of an MPN, the planned effective date of any new MPN coverage and has included, as attachments for DWC approval, a copy of the employee notice(s) to be sent to the covered employees
- A separate filing with DWC is required if a material modification is triggered under MPN regulation section 9767.8 as a result of a change in MPN coverage.

The revisions also clarify that the requisite 30-day notice of a change in MPN coverage cannot be distributed to employees until any pending modifications or the new MPN application is approved by the DWC.

Further information and the modified proposals can be found at [http://www.dir.ca.gov/dwc/DWCPropRegs/BenefitNoticeRegulations/BenefitNotice\\_regulations.htm](http://www.dir.ca.gov/dwc/DWCPropRegs/BenefitNoticeRegulations/BenefitNotice_regulations.htm).

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