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# DWCNewsline

Division of Workers' Compensation  
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## **Division of Workers' Compensation posts proposed amendments to benefit notice regulations on DWC forum for pre-rulemaking public comment**

The Division of Workers' Compensation has posted an online forum for members of the public to use to review and comment on a draft of proposed revisions to the benefit notice regulations contained in Title 8, California Code of Regulations, section 9812.

The proposed amendments generally reduce the number of attachments required to be sent with benefit notices. The proposed amendments:

- limit the requirement to send a copy of the DWC fact sheet with notices if a copy of the most recent version of the fact sheet had already been provided to the employee within the last 12 months.
- amend section 9812(g)(3) to clarify that the requirement to send a notice that no permanent disability exists, only applies where the employee has sustained compensable lost time from their injury or illness.
- amend section 9812, subdivisions (i) and (j) to require a claims administrator to provide a copy of the qualified medical evaluator (QME) "QME Panel Request Form" as an enclosure to the "Notice of Denial of all Workers' Compensation Benefits" (section 9812(i)), the "Notice of Delay in Determining Liability" (section 9812(j))".
- amend section 9812 subdivisions (a) and (i) to limit the requirement to send the specified fact sheets and the QME panel request form to cases where the denial is related to a medical issue that can only be resolved by a medical evaluation pursuant to specified Labor Code sections.
- delete reference to vocational rehabilitation temporary disability indemnity or maintenance allowance.

In addition, the proposed amendments:

- amend section 9812(g)(3) to correct an erroneous reference to the administrative director as the source of the QME Panel Request Form. The reference should identify the DWC Medical Unit as the source of the QME Panel Request Form.
- repeal section 9813 dealing with vocational rehabilitation benefit notices.
- correct erroneous cross-references in section 9813.2 concerning return to work notices.

All changes to the existing regulations are shown in an underline/strikeout format. In addition, due to the length of section 9812, the paragraphs to which amendments are being proposed are highlighted in yellow.

The forum can be found at: <http://www.dir.ca.gov/Wcjudicial.htm>. Click on "current forums" at the top of the page.

Comments will be accepted at the forum until 5:00 p.m. Sept. 9, 2010. Please feel free to participate in this important process.

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