

N E W S L I N E

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DWC updates status of SB 863 emergency regulations

On Jan. 1, six sets of emergency regulations that implement SB 863 became effective. Those regulations remain in effect until July 2, and then expire by operation of law unless the Division of Workers' Compensation (DWC) files a certificate of compliance with the Office of Administrative Law (OAL) by 5 p.m. on July 1, or requests a readoption of the emergency regulations.

DWC has issued notices of emergency readoptions and requests for readoption for all six sets of emergency regulations: supplemental job displacement benefit vouchers, interpreter services, qualified medical evaluator regulations, independent medical review (IMR), independent bill review (IBR) and lien filing fee [regulations](#). If granted, the regulations will remain in effect until Oct. 1, unless another 90-day readoption is requested.

DWC recently issued revised regulations for the supplemental job displacement benefit vouchers, interpreter services, and qualified medical evaluator regulations for 15-day comment periods. Although DWC may file the certificate of compliance for these three sets of regulations by July 1, the division has also issued the notices of emergency and requests for readoption for these sets of regulations in case the certificates of completion cannot be finalized before July 1.

OAL may approve up to, but not more than two readoptions of the emergency regulations, each for a period not to exceed 90 days. OAL may only approve a readoption if the agency has made substantial progress and proceeded with diligence to complete a regular, noticed rulemaking action to make the regulations permanent. (See Gov. Code, sec. 11346.1(h)).

The timing of the filing of a request for readoption with OAL is important and is different from a certificate of compliance filing. OAL has 10 calendar days to determine whether to approve or disapprove the request for readoption. Consequently, to ensure that there is no gap in the effective period of the emergency regulations, the request for readoption needs to be submitted to OAL at least 10 calendar days prior to the date the certificate of compliance is due for the

emergency regulations. Additionally, for readoptions, a notice of emergency is required to be sent at least five working days prior to submitting request to readopt to OAL.

DWC will continue to keep the public informed regarding its progress with the ongoing regulatory process.

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