

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION

NOTICE OF PROPOSED RULEMAKING

Subject Matter of Regulations: Medical Provider Networks, Employee Information, and Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility

Title 8, California Code of Regulations, Sections 9767.3, 9767.6, 9767.8, 9767.12, 9767.16, 9880, 9881, 9881.1, 10139

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation, pursuant to the authority vested in her by Labor Code sections 59, 124, 133, 138.3, 138.4, 139.6, 3550, 3551, 4603.5, 4616, and 5307.3, proposes to amend regulations within Article 3.5, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9767.3, relating to Medical Provider Networks.

In addition, the Administrative Director proposes to amend regulations within Article 8.5, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations commencing with section 9880, relating to Employee Information for Workers' Compensation, and a regulation within Article 9, Subchapter 1.5 of Chapter 4.5 of Title 8, California Code of Regulations, section 10139. These regulations concern the written notice to new employees, the posting of notice to employees, the notice to employees poster, and the workers' compensation claim form (DWC 1) and notice of potential eligibility, respectively.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation (hereinafter "Division"), proposes to amend regulations within Article 3.5, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9767.3, relating to Medical Provider Networks:

Section 9767.3	Application for a Medical Provider Network Plan
Section 9767.6	Treatment and Change of Physician Within MPN
Section 9767.8	Modification of Medical Provider Network Plan; Notice of Medical Provider Network Plan Modification §9767.8
Section 9767.12	Employee Notification
Section 9767.16	Notice of Employee Rights Upon Termination or Cessation of Use of Medical Provider Network

The Division also proposes to amend regulations within Article 8.5, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9880, relating to Employee Information:

Section 9880	Written Notice to New Employees
Section 9881	Posting of Notice to Employees
Section 9881.1	Notice to Employees Poster

The Division also proposes to amend a regulation within Article 9, Subchapter 1.5 of Chapter 4.5 of Title 8, California Code of Regulations, section 10139, relating to Claim Form: Availability, Filing, Acknowledgement of Receipt, Dismissal:

Section 10139 Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility

PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, oral or in writing, with respect to the subjects noted above, on the following dates:

Date: **October 8, 2009**
Time: **10:00 a.m. to 5:00 p.m. or conclusion of business**
Place: **Elihu Harris State Office Building – Auditorium**
1515 Clay Street
Oakland, California 94612

The State of California Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other types of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request.

If you will require accommodation to attend the hearing, please contact the Statewide Disability Accommodation Coordinator at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

In order to ensure unimpeded access for disabled individuals wishing to present comments and facilitate the accurate transcription of public comments, camera usage will be allowed in only one area of the hearing room. To provide everyone a chance to speak, public testimony will be limited to 10 minutes per speaker and should be specific to the proposed regulations. Testimony which would exceed 10 minutes may be submitted in writing.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require that, any persons who make oral comments at the hearings also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Division. The written comment period closes at **5:00 p.m., on October 8, 2009**. The Division will consider only comments received by the Division by that time. Equal weight will be accorded to oral comments presented at the hearing and written materials.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray, Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than **5:00 p.m. on October 8, 2009**.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in her by Labor Code sections 59, 124, 133, 138.3, 138.4, 139.6, 3550, 3551, 4603.5, 4616, and 5307.3.

Reference is to Labor Code sections 132(a), 139.48, 139.6, 3209.3, 3550, 3551, 3600, 4600, 4600.3, 4601, 4603, 4604.5, 4609, 4616, 4616.1, 4616.2, 4616.3, 4616.5, 4616.7, 4650, 4651, 4656, 4658.5, 4658.6, 4700, 4701, 4702, 4703, 5307.27, 5400, 5401, 5401.7, and 5402.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Administrative Director of the Division of Workers' Compensation proposes to amend existing regulations concerning Medical Provider Networks ("MPN"), the written notice to new employees, the posting of notice to employees, the notice to employees poster, and the workers' compensation claim form (DWC 1) and notice of potential eligibility.

Labor Code section 4616(a) provides that an insurer or employer may establish or modify a medical provider network for the provision of medical treatment to injured employees. Labor Code section 4616(g) provides that the administrative director shall adopt regulations to implement MPNs.

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Labor Code §§3550, 3551 and 3600 authorize the Administrative Director to prescribe the form and content of the Notice to New Employees poster and the content of the written notice to new employees. Labor Code §5401 authorizes the Administrative Director to prescribe the form and content of the workers' compensation claim form (DWC 1) and notice of potential eligibility.

The proposed amendments to the regulations are intended to implement, interpret or make specific the applicable Labor Code sections as follows:

- **Proposed Amendments to Section 9767.3 - Application for a Medical Provider Network Plan**

Section 9767.3 specifies the information required in an application for a MPN.

The proposed amendments to subdivision (d)(6) and (e)(6) clarify that the MPN application must be verified by an employee of the MPN Applicant who has the authority to act on behalf of the Applicant with respect to the MPN. The amendments also clarify that the authorized individual must also sign a verification.

The proposed amendments to subdivision (d)(7) and (e)(7) replace "an" with "a".

The proposed amendments to subdivisions (d)(8)(I) and (e)(11) clarify that specific information for the MPN contact and the MPN's provider listing access can be filled in after approval of the MPN employee materials.

- **Proposed Amendments to Section 9767.6 - Treatment and Change of Physician Within MPN**

Section 9767.6 sets forth the requirements for treatment with MPN physicians and for changing physicians within the MPN.

Subdivision (b) is revised to delete reference to the ACOEM guidelines, as the Administrative Director has now adopted the Medical Treatment Utilization Schedule (MTUS), which replaces the use of the ACOEM guidelines.

Subdivision (f) is amended to clarify that a Change of Treating Physician petition cannot be used if an employee is treating with a MPN physician.

- **Proposed Amendments to Section 9767.8 – Modification of Medical Provider Network Plan**

Section 9767.8 sets forth the filing requirements for modifying an MPN plan.

Subdivision (a)(10) is revised to include any other material changes to the MPN application as a material modification that requires a modification filing. Examples include changes in

use of a deemed entity, change in MPN contact information, and change in provider listing access or website information.

Subdivision (b) is revised to require a material modification filing within five business days when the authorized individual has changed for an MPN applicant.

On the corresponding form, “Notice of Medical Provider Network Plan Modification §9767.8”, the following changes are made:

- Under item number 10, on the line beginning with “Name of Authorized Individual,” the word “Organization” is added to the line to be filled out.
- On the second page, the third check box is revised to include “or Authorized Individual” as a listed material change requiring modification.
- On the second page, the eleventh and last check box, “Other”, examples are added in parentheses, including “changes in use of a deemed entity, change in MPN contact information, and change in provider listing access or website information.” The parentheses are removed from “please describe,” which is modified in form to state “Please describe and attach documentation.”

- **Proposed Amendments to 9767.12 - Employee Notification**

Section 9767.12 specifies the written information required to be provided to employees on how to use the MPN.

The proposed amendments to subdivision (a) change “each” to “every” and reduce the requirement that covered employees be given 30 day notice before implementation of an MPN to 14 day notice. The text regarding distribution of the MPN employee notification is deleted. Another amendment requires that the MPN notices be provided in both English and Spanish or whichever is more appropriate for the employee.

Subdivision (a)(1)-(13) has been deleted and moved to subdivision (f)(1)-(13). Subdivision (a)(1)-(5) has been replaced with an initial written MPN implementation notice to give employees initial notice of coverage under an MPN. It requires the following minimal information to be provided to all employees to be covered by an MPN: that coverage will begin under the MPN except if the employee has predesignated a physician or medical group, the date coverage begins, the potential that existing injuries may be covered under the MPN, that 30-day control applies when an MPN is not in effect, and MPN contact information.

The existing text for subdivision (b) is deleted and moved to subdivision (g). The language in subdivision (b) is replaced by sample MPN implementation notice language.

The existing text for subdivision (c) is deleted and replaced with the requirement that distribution of the initial MPN implementation notice occur at least 14 days prior to MPN implementation or at time of hire for new employees. Subdivision (c) is also amended to allow multiple means for distribution of the MPN implementation notice, including on a

paystub, with a paycheck, or by electronic means for those employees who have sufficient electronic access to receive the notice.

Subdivision (d) has been added to address a different MPN notice, the existing complete written MPN employee notification that is currently provided to all covered employees. This notification has been modified to only be provided at injury and at transfer into the MPN. The language requirement has been amended to require the notification be provided in English and Spanish or whichever is more appropriate for the employee. The complete MPN employee notification is also required to be posted next to the workers' compensation poster required by section 9881.

Subdivision (e) has been added to allow multiple means for distribution of the complete MPN employee notification, including on a paystub, with a paycheck, or by electronic means for those employees who have sufficient electronic access to receive the notice.

Subdivision (f) includes all the information required to be in the complete employee notification. The requirements are the same as in the former subdivision (a)(1)-(13) except for the following changes:

Subdivision (f)(1) clarifies that a MPN contact is responsible for addressing MPN questions and problems.

Subdivision (f)(3) has been amended to require that employees have access to a regional area provider listing at minimum and that online provider listings be regularly updated and that necessary provider listing access information be provided to all covered employees.

Subdivision (f)(4) has been amended to just require information about how to access medical care.

Subdivision (f)(5) has been replaced to require the mileage, time requirements and alternative access standards required under section 9767.5.

The remaining requirements in former (a)(5)-(13) have been renumbered as (f)(6)-(f)(14).

Subdivision (f)(13) and (f)(14) also have been amended to conform the language in both subdivisions to be consistent regarding the distribution of information about the transfer of care and continuity of care policies.

Subdivision (g) is created to include the language deleted from subdivision (b) regarding Independent Medical Reviews.

- **Proposed Amendments to Section 9767.16 - Notice of Employee Rights Upon Termination or Cessation of Use of Medical Provider Network**

Section 9767.16 specifies the requirements for notices of termination, cessation of use or change of MPN to be distributed to employees at those times.

The proposed amendment to subdivision (a) clarifies that the MPN Applicant whose MPN will no longer be used is responsible for distributing the notice of termination or cessation of use of its MPN. The extraneous reference to “(“MPN”) has also been deleted. The language requirement is modified to require the notices in both English and Spanish or whichever is more appropriate for the employee.

The proposed amendment to subdivision (a)(1) clarifies who is responsible for the termination or cessation of MPN notice and when the notice is required to be distributed. Subdivision (a)(1)(A)-(E) shortens the termination notice by requiring only the following information: the name of the MPN and its date of termination or cessation of use, whether coverage will continue under the MPN for existing injuries, MPN contact information, and notice that 30-day control applies when a MPN is not in effect.

The existing text in subdivision (a)(2) is deleted and replaced by sample MPN termination or cessation of use notice language.

Subdivision (a)(3) is added to allow multiple means for distribution of the termination or cessation of use notice, including on a paystub, with a paycheck, or by electronic means for those employees who have sufficient electronic access to receive the notice.

Subdivision (a)(4) is added to clarify that pending Independent Medical Reviews will end with the employee’s MPN coverage.

The language in subdivision (b) has been deleted and replaced by language stating which MPN Applicant is responsible for providing a change of MPN notice within the revised 14-day notice period.

Subdivision (b)(1)-(5) are created to include the specific notice requirements for a change of MPN notice: that coverage will begin under the MPN except if the employee has predesignated, the date coverage begins, the potential that existing injuries may be covered under the MPN, that 30-day control applies when a MPN is not in effect, and MPN contact information.

The language in subdivision (c) is deleted to eliminate the filing of the change of MPN notices with DWC and replaced by sample change of MPN notice language.

Subdivision (d) is added to include the deleted language in subdivision (b) to allow the distribution of a combined Notice of Termination or Cessation of Use of MPN and a Notice of a Change of MPN if all the regulatory requirements for both notices are met.

Subdivision (e) is added to require the notices be provided in English and Spanish or whichever is more appropriate for the employee.

Subdivision (f) is added to allow multiple means for distribution of the change of MPN notice, including on a paystub, with a paycheck, or by electronic means for those employees who have sufficient electronic access to receive the notice.

Subdivision (g) is added to require the workers' compensation poster be updated to reflect a change of MPN coverage.

Subdivision (h) is added to state the deleted language in subdivision (c)(1) and to change the 30-day MPN implementation notice period to a 14-day notice period.

The Reference section is also updated.

- **Proposed Amendments to Section 9880 - Written Notice to New Employees**

Section 9880 specifies the information required in the written notice to new employees.

The proposed amendment to subdivision (c)(7) clarifies that predesignation of a personal physician or a medical group is allowed.

The proposed amendment to subdivision (c)(9) eliminates the vocational rehabilitation reference to reflect the sunset of these benefits.

Subdivision (c)(14) is added to require a general description about MPNs to be provided to employees, including the predesignation exemption, when to treat with a MPN physician and how to get more information about a MPN.

The Authority and Reference sections are also updated.

- **Proposed Amendments to Section 9881 - Posting of Notice to Employees**

Section 9881 specifies the workers' compensation information required to be posted for employees.

The proposed amendment to subdivision (c)(3) deletes the requirement for a physician telephone number to be listed.

The proposed amendment to subdivision (c)(7) clarifies that predesignation of a personal physician or a medical group is allowed.

The proposed amendment to subdivision (c)(8) eliminates the vocational rehabilitation reference to reflect the sunset of these benefits as of January 1, 2009.

Subdivision (c)(13) is added to require a general description about MPNs to be provided to employees, including the predesignation exemption, when to treat with a MPN physician and how to get more information about a MPN. The subdivision also requires that MPN contact information, available website address, and current MPN coverage information be included on the workers' compensation poster required in section 9881.1.

The proposed amendment to the duplicate subdivision (c) is to reletter the subdivision to (d).

The Authority and Reference sections are also updated.

- **Proposed Amendments to Section 9881.1 – Notice to Employees Poster**

Section 9881.1 is the DWC workers' compensation poster with the information required to be posted for employees as set forth in Section 9881.

The proposed amendment to the first bullet point titled, "Medical Care" deletes the reference to "injuries occurring on or after 1/1/04" to state that medical services may be limited irrespective of date of injury.

The proposed amendment to the second bullet point titled, "Temporary Disability (TD) Benefits" updates the temporary disability payment information.

The fourth bullet point titled, "Vocational Rehabilitation" is deleted to reflect the sunset of these benefits as of January 1, 2009.

The proposed amendment to the fifth bullet point titled "Supplemental Job Displacement Benefit" clarifies the existing language.

The section titled "Naming your Own Physician Before Injury" is revised to include "or Illness" and "(Predesignation)" to the section title. The language is also revised to clarify the current predesignation requirements.

The section titled, "If You Get Hurt: 1. Get Medical Care" is shortened to state that for emergency care, call 911 to obtain help from a hospital, ambulance, fire or police department and the spaces for separate telephone numbers for each has been deleted. The number for a physician has also been deleted.

The section titled, "Report Your Injury" is shortened to not require an employee representative's name and phone number to be included on the poster. The rest of the text for the section is revised to be more concise and more stylistically consistent with the rest of the poster language.

The section titled, "See Your Primary Treating Physician (PTP)" is revised to reflect current predesignation requirements and clarifies the information regarding Health Care Organizations (HCOs) and MPNs.

A section titled, "Medical Provider Networks" is added to include a general description about MPNs to be provided to employees, including the predesignation exemption, when to treat with a MPN physician and how to get more information about a MPN. The poster also is amended to require that MPN contact information, available website address, and current MPN coverage information be included.

The section titled, "Discrimination" is amended to delete the colon and to replace it with a period.

The section titled, “Questions?” is amended to shorten the section by deleting the specific Claims Administrator’s address to be filled in on the poster. The sentence requiring the name of the workers’ compensation insurer is also shortened. Contact information for DLSE and for DWC’s information and assistance officers is condensed and revised to include that information can be obtained through the website for both DWC and DLSE.

Conforming revisions are made to the Spanish version. Additional revisions are made to the Spanish version to more accurately reflect the English version.

The Authority and Reference sections are also updated.

- **Proposed Amendments to Section 10139 - Workers’ Compensation Claim Form (DWC 1) and Notice of Potential Eligibility**

Section 10139 sets forth the Workers’ Compensation Claim Form (DWC 1) and Notice of Potential Eligibility (NOPE). The NOPE contains information about workers’ compensation benefits and the instructions for filling out the claim form when an employee is injured and wishes to file a workers’ compensation claim. Amendments are only being made to the NOPE; the face of the claim form is not amended.

The section titled, “Medical Care” deletes the reference to “injuries occurring on or after 1/1/04” to clarify that medical services may be limited irrespective of date of injury.

The section titled, “The Primary Treating Physician (PTP)” is revised to reflect current predesignation requirements and clarifies the information regarding HCOs and MPNs. The text for the remainder of the section is revised to be more concise and more stylistically consistent with the rest of the poster language.

The section titled, “Disclosure of Medical Records” is revised to clarify the employee’s privacy rights.

The section titled, “Payment for Temporary Disability (Lost Wages)” updates the temporary disability payment information to reflect current limits.

The section titled, “Vocational Rehabilitation” is deleted to reflect the sunset of these benefits as of January 1, 2009.

The section titled “Supplemental Job Displacement Benefit (SJDB)” rewords the existing language for clarity.

The section titled “It is illegal for your employer” is amended to include the DWC website information.

Conforming revisions are made to the Spanish version. Additional revisions are made to the Spanish version to more accurately reflect the English version.

The Authority and Reference sections are also updated.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Administrative Director has made the following initial determinations:

- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Adoption of this regulation will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business in California.
- Effect on Housing Costs: None.
- Cost impacts on representative private person or business: The Administrative Director has determined that the proposed regulations will not have a significant adverse economic impact on representative private persons or directly affected businesses. These representative private persons or directly affected businesses are insurance companies, employers and self-insured employers. These proposed amendments are expected to reduce the costs of providing notice to the employees regarding the MPN. The minimal costs of updating the poster, new employee information, and the claim form also should be offset by the savings on notice expenses.

FISCAL IMPACTS

- Costs or savings to state agencies or costs/savings in federal funding to the State: The proposed amendments eliminate a significant filing with the Division, which would allow existing state resources to be used more efficiently in administering the Medical Provider Network program. Although the proposed amendments may require the State Compensation Insurance Fund (SCIF) to incur a limited printing expense to update the workers' compensation poster, new employee information and claim form, these costs should be offset by the savings from the shorter notices and electronic distribution. The Division expects user funding to continue to cover the costs of administering the MPN program.
- Local Mandate: None. The proposed regulations will not impose any new mandated programs or increased service levels on any local agency or school district. The potential costs imposed on all public agency employers by these proposed regulations, although not a benefit level increase, are not a new State mandate because the regulations apply to all employers, both public and private, and not unique to local governments. The Administrative Director has determined that the proposed regulations will not impose any new mandated

programs on any local agency or school district.

- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None. (See “Local Mandate” section above.)
- Other nondiscretionary costs/savings imposed upon local agencies: None. The proposed regulation does not apply to any local agency or school district. (See “Local Mandate” section above.)

EFFECT ON SMALL BUSINESS

The Administrative Director has determined that the proposed regulation may enable small businesses to reduce the costs of distributing notices to its employees covered under an MPN.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Administrative Director must determine that no reasonable alternative considered or that has otherwise been identified and brought to the Administrative Director’s attention would be more effective in carrying out the purpose for which the actions are proposed, or would be as effective and less burdensome to affected private persons than the proposed actions.

The Administrative Director invites interested persons to present reasonable alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

Pursuant to Government Code section 11346.45, the text of the draft proposed regulations was made available for pre-regulatory public comment by the general public through a posting on the Division’s Internet message board (the DWC Forums).

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE / INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, the proposed text of the regulations, pre-rulemaking comments, and the Economic and Notice of Proposed Rulemaking:

Medical Provider Networks, Employee Information, and
Workers’ Compensation Claim Form (DWC 1) and Notice of Potential Eligibility
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Fiscal Impact Statement (Form 399). As public comments are received during the rulemaking process, they will be added to the rulemaking file.

In addition, the Notice, Initial Statement of Reasons, and proposed text of regulations may be accessed and downloaded from the Division's website at www.dir.ca.gov/dwc. To access them, click on the "Participate in DWC Rulemaking" link and scroll down the list of rulemaking proceedings to find the current "Medical Provider Network, Employee Information, and Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility Regulations" rulemaking.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the headquarters of the Division of Workers' Compensation, 1515 Clay Street, Oakland, California, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, initial statement of reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray, Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Inquiries may be submitted by e-mail to: mgray@dir.ca.gov. The telephone number of the contact person is (510) 286-7100.

BACKUP CONTACT PERSON / CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person is unavailable, or to obtain responses to questions regarding the substance of the proposed regulations, inquiries should be directed to the following backup contact person:

Yu-Yee Wu
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The telephone number of the backup contact person is (510) 286-7100.

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AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

Upon closure of time for receipt of public comments, the Administrative Director may adopt the proposed rulemaking substantially as described above or may modify it if such modifications are sufficiently related to the original text.

With the exception of technical, grammatical or other non-substantive changes, if the Administrative Director makes any changes to the proposed regulations as a result of the public hearing and public comment received, the full text of such modifications to the proposed rulemaking, with changes clearly indicated, will be made available for public comment 15 days prior to their adoption. Notice of the modified text will be mailed to those persons who submit written or oral comments related to the proposed rulemaking or who request notification of any changes to the proposed rulemaking.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website: www.dir.ca.gov/dwc.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the proposed amendments to the medical provider network regulations will appear in Title 8, California Code of Regulations, sections 9767.3, 9767.6, 9767.8, 9767.12 and 9767.16. The proposed amendments to the regulations on the workers' compensation employee information will appear in Title 8, California Code of Regulations, sections 9880, 9881, and 9881.1. The proposed amendments to the workers' compensation claim form (DWC 1) and notice of potential eligibility will appear in Title 8, California Code of Regulations section 10139.

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