

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

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Claim Form and Notice of Potential Eligibility; Notice to New Employees Poster; and Written Notice to New Employees

Title 8, California Code of Regulations:

Amended Section 9810	General Provisions
Amended Section 9880	Written Notice to New Employees
Amended Section 9881	Posting of Notice to Employees
Proposed Section 9881.1	Notice to Employees Poster
Repealed Section 9882	Written Notice to Injured Employees; Pamphlet Contents
Amended Section 9883	Publication of Information, Approval, Spanish Translation
Repealed Section 10117	Claim Form
Proposed Section 10117.1	Claim Form and Notice of Potential Eligibility for Benefits
Repealed Section 10118	Form
Proposed Section 10118.1	Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility

BACKGROUND TO REGULATORY PROCEEDING

During 2002, the California State Legislature passed AB 749. The passage of AB 749 amended Labor Code §§138.4, 3550, 3551 and 5401. Labor Code §138.4 no longer requires employers to provide a pamphlet to injured workers with the first notice of payment. Labor Code §3550 now mandates that certain specific information be included in the poster which is required to be posted in the work place by California employers. Labor Code §3551 provides that the written notice to new employees contain specific information. Labor Code §5401 mandates changes to the claim form used by employees to present a claim for workers' compensation benefits to their employers. It also requires that, insofar as practicable, the notice of potential eligibility for benefits and the claim form shall be a single document. Labor Code §§3550, 3551 and 5401 require the Administrative Director to consult with the Commission of Health and Safety and Workers' Compensation with regard to the form and content of the notice to employees poster, the content of the notice to new employees, and the form and content of the claim form (DWC 1) and notice of potential eligibility.

Amended Section 9810 General Provisions

Specific Purpose of Amended Section 9810:

Labor Code §138.4 was amended effective January 1, 2003. As a result, the Labor Code no longer requires a pamphlet to be sent to the injured employee, included with the first notice of payment or notice of delay in payment. Section 9810 is amended by deleting subdivision (d), which referenced the general benefits information pamphlet that was previously required by Labor Code §138.4.

Necessity:

Labor Code §138.4 previously required that a pamphlet must be included with the first notice of payment or notice of delay in payment to an injured employee. When Labor Code §138.4 was amended, effective January 1, 2003, the reference to the pamphlet was deleted. The requirements for the pamphlet are currently set forth in §9882, and referred to in §9810. Because authority for the pamphlet no longer exists, §9810 is amended to delete reference to §9882 and to the pamphlet.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation met with an Advisory Committee and posted drafts of the proposed section on its website to allow for pre-notice public comment.

Business Impact:

The proposed amendments to §9810 will not have a significant adverse economic impact on any business. The amendment to the regulation merely eliminates a reference to a regulation which is being deleted.

Specific Technologies or Equipment:

The amendments to §9810 do not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No more effective alternative, nor equally effective and less burdensome alternative, has been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.

Amended Section 9880 Written Notice to New Employees

Specific Purpose of Amended Section 9880:

Labor Code §3551 was amended effective January 1, 2003. Formerly, §9880 only required the employer to give notice of general information about the nature of workers' compensation benefits, including medical care, indemnity and where more information could be obtained. Section 9880 is amended to require the written notice to new employees to be easily understandable and to be provided in English and Spanish. The notice is required to include information concerning: how to obtain appropriate medical care for a job injury; the role and function of the primary treating physician; how to get emergency medical treatment; the kinds of events, injuries and illnesses covered by workers' compensation; the injured employee's right to receive medical care; information about who the employer's workers' compensation insurance carrier is, or if the employer is self insured, a statement of permissible self-insurance; time limits imposed on the employee; and the location and telephone number of the nearest information and assistance officer. The notice must also include a form that the employee may use as an optional method for notifying the employer of the name of the employee's "personal physician." The amended regulation was drafted after consulting with the Commission on Health, Safety and Workers' Compensation and members of the claims community and workers' compensation practitioners.

Necessity:

Labor Code §3551 amended effective January 1, 2003, changed the required information that must be contained in the written notice to new employees. Section 9880 has been amended to comply with the new requirements mandated by Labor Code §3551.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation consulted with the Commission on Health, Safety and Workers' Compensation (which provided written recommendations dated December 12, 2002). The DWC met with an Advisory Committee and reviewed the comments regarding the proposed section that was posted on its website to allow for pre-notice public comment.

Business Impact:

The proposed amendments to §9880 will not have a significant adverse economic impact on any business. The regulation merely provides specific guidance on the content of written notice to new employees. Employers are already required to provide to each new employee information concerning workers' compensation benefits and how to obtain those benefits. The pamphlet may be purchased from California Workers' Compensation Institute (CWCI). One hundred pamphlets in English cost \$13.00. One hundred

pamphlets in Spanish cost \$14.00. (The California Chamber of Commerce also offers the pamphlet for sale.)

Specific Technologies or Equipment:

The proposed amendment to §9880 does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

As required by Labor Code §3551, the Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) with regard to the notice of potential eligibility and claim form. CHSWC proposed a pamphlet that would comply with Labor Code §3551's requirements concerning the written notice to new employees. The written notice to new employees was also discussed with an Advisory Committee. Members of the regulated community objected that the CHSWC pamphlet was too long and contained information that was unnecessary for most minor workers' compensation injuries. Therefore, the CHSWC pamphlet has not been adopted as a regulation, and no more effective alternative, nor equally effective and less burdensome alternative, to proposed Section 9880 has been identified at this time. However, the purpose of the present rulemaking is to solicit and consider alternatives.

Amended Section 9881 Posting of Notice to Employees

Specific Purpose of Amended Section 9881:

Labor Code §3550 requires employers to post, in a conspicuous location, a notice providing information concerning the employer's workers' compensation insurance carrier, workers' compensation benefits and how to obtain those benefits. The Administrative Director will make the form and content of the Notice to New Employees poster available to employers and insurers.

The proposed amendment to §9881 complies with Labor Code §3550 by including information required by LC §3550. It also allows the employer to either use the poster set forth in §9881.1 or to use its own poster that complies with Labor Code §3550 and has been approved by the Administrative Director.

Necessity:

Labor Code §3550 was amended effective January 1, 2003. It now requires specific information to be set forth in the posted Notice to Employees. Section 9881 is amended to comply with the new requirements of Labor Code §3550.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation consulted with Commission on Health, Safety and Workers' Compensation (which provided written recommendations dated November 12, 2002). The DWC met with an Advisory Committee and reviewed comments regarding the proposed section that was posted on its website to allow for pre-notice public comment.

Business Impact:

The proposed amendments to Section 9881 will not have a significant adverse economic impact on any business. The regulation merely provides specific guidance on the content of the posted notice to employees. Employers are already required to post in a conspicuous place notice of the employers' workers' compensation insurance carrier and other information concerning workers' compensation benefits and how to obtain them. A copy of the approved poster will be available free of charge from the Administrative Director.

Specific Technologies or Equipment:

The proposed amendment to Section 9881 does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

As required by Labor Code §§3550, the Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) with regard to the form and content of the Notice to New Employees poster. Many of the recommendations made by CHSWC have been incorporated into the proposed regulations. Due to space considerations, some of CHSWC's recommendations were not included. No more effective alternative, nor equally effective and less burdensome alternative, has been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.

Proposed Section 9881.1 Notice to Employees Poster

Specific Purpose of the Proposed Section 9881.1:

Proposed §9881 is a poster that will provide employees information concerning workers' compensation benefits, including the name of employer's workers' compensation insurance carrier, how to obtain workers compensation benefits and how to get medical treatment. It also states that there are time limits for the employer to be notified of an occupational injury, the protections against discrimination, and the location and telephone number of the nearest information and assistance officer. The poster has been approved

by the Administrative Director (after consulting with CHSWC) and complies with the requirements of Labor Code §3550. A copy of this poster may be obtained from the Administrative Director.

Necessity:

Labor Code §3550 was amended effective January 1, 2003. It now requires specific information to be set forth in the posted Notice to Employees. Section 9881.1 is a Notice to Employees poster that has been approved by the Administrative Director and complies with Labor Code §3550.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation consulted with Commission on Health, Safety and Workers' Compensation (which provided written recommendations dated November 12, 2002). The DWC met with an Advisory Committee and reviewed the comments regarding the proposed section that was posted on its website to allow for pre-notice public comment.

Business Impact:

The proposed amendments to Section 9881.1 will not have a significant adverse economic impact on any business. The regulation provides a poster that may be used by employers in order to comply with Labor Code §3550. A copy of the poster will be provided free to employers or claims administrators. Alternatively, an employer may purchase one English poster for five dollars (or Spanish poster for six dollars) from the California Workers' Compensation Institute (CWCI). CWCI also offers 100 posters for \$28.00. (The California Chamber of Commerce also offers the Poster for sale.) The posting of the new Notice is a one time cost. Employers are already required to post in a conspicuous place notice of the employers' workers' compensation insurance carrier and other information concerning workers' compensation benefits.

Specific Technologies or Equipment:

Proposed Section 9881.1 does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

As required by Labor Code §3550, the Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) with regard to the form and contents of the Notice to New Employees poster. Many of the recommendations made by CHSWC have been incorporated into the proposed regulation. Due to space considerations, some of CHSWC's recommendations were not included. No more effective alternative, nor equally effective and less burdensome alternative, has

been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.

Repealed Section 9882 Written Notice to Injured Employees; Pamphlet Contents

Specific purpose of Repealed Section 9882:

Labor Code §138.4 previously required that written notice to injured employees (a pamphlet) must be included with the first notice of payment or notice of delay in payment. When Labor Code §138.4 was amended, effective January 1, 2003, the reference to the pamphlet was deleted. The requirements for the pamphlet are currently set forth in §9882. Because authority for the pamphlet no longer exists, §9882 is repealed. (Instead, the information previously provided at the time of injury is included in the notice to new employees, as set forth in §9880.)

Necessity:

Labor Code §138.4 previously required a pamphlet to be included with the first notice of payment or notice of delay in payment to an injured employee. When Labor Code §138.4 was amended, effective January 1, 2003, the reference to the pamphlet was deleted. The requirements for the pamphlet are currently set forth in §9882. The authority for the pamphlet no longer exists, and therefore, §9882 is repealed.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation met with an Advisory Committee and reviewed the comments regarding the proposed section that was on its website to allow for pre-notice public comment.

Business Impact:

The repeal of §9882 will not have a significant adverse economic impact on any business. The information currently provided by employers to employees under §9882 will be provided to employees by employers in compliance with the amendments to §9880.

Specific Technologies or Equipment:

The repeal §9882 does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No more effective alternative, nor equally effective and less burdensome alternative, has been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.

Amended Section 9883 Publication of Information, Approval, Spanish Translation

Specific Purpose of Amended Section 9883:

Currently, §9883 concerns general rules pertaining to the publishing of notices, pamphlets and the notice to employees. Due to legislative amendments in Labor Code §§138.4, 3550 and 3551, and corresponding changes in the related regulations, §9883 needs to be amended. The reference to the pamphlet that was previously required by §9882 (the regulation is now being repealed pursuant to Labor Code §138.4) is being deleted. The term “posting notice” will be replaced with “Notice to New Employees poster” to be consistent with §9881.1 and Labor Code §3550. The word “pamphlet” is being replaced with “the Written Notice to New Employees” in order to be consistent with §9880 and Labor Code §3551. Finally, the section will now require the poster and notice to be in English and Spanish, as required by Labor Code §§3550 and 3551.

Necessity:

Section 9883 requires amending in order to comply with the recent changes to Labor Code §§138.4, 3550 and 3551. Specifically, Labor Code §138.4 previously required that a pamphlet must be included with the first notice of payment or notice of delay in payment to an injured employee. When Labor Code §138.4 was amended, effective January 1, 2003, the reference to the pamphlet was deleted. Therefore the reference to the §9882 pamphlet must be deleted. The term “posting notice” will be replaced with “Notice to New Employees poster” to be consistent with §9881.1 and Labor Code §3550. The word “pamphlet” is being replaced with “the Written Notice to New Employees” in order to be consistent with §9880 and Labor Code §3551. Finally, the language is corrected to require the poster and notice to be in English and Spanish, as mandated by Labor Code §§3550 and 3551.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers’ Compensation met with an Advisory Committee and reviewed the comments regarding the proposed section that was posted on its website to allow for pre-notice public comment.

Business Impact:

The proposed amendments to Section 9883 will not have an adverse economic impact on any business. The amendment to the regulation merely clarifies the rules pertaining to publishing the Notice to New Employees poster and the Written Notice to New Employees.

Specific Technologies or Equipment:

The amendments to Section 9883 do not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No more effective alternative, nor equally effective and less burdensome alternative, has been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.

Repealed Section 10117 Claim Form

Currently, §10117 provides the procedure for using the claim form for workers' compensation benefits (DWC 1) that was previously set forth in §10118. Section 10118 no longer complies with the requirements set forth in Labor Code §5401, which was amended effective January 1, 2003. Section 10118 has been repealed. The claim form has been revised and will be Section 10118.1. Section 10117 will also be repealed. Section 10117.1 will replace Section 10117.

Necessity:

Labor Code §5401, which was amended effective January 1, 2003, sets forth the requirements pertaining to the notice of potential eligibility and claim form. The form and content is required to be prescribed by the Administrative Director after consultation with the Commission on Health and Safety and Workers' Compensation. Section 10117 refers to the current claim form which is §10118 and no longer meets the requirements mandated by Labor Code §5401. Therefore, both §10117 and §10118 will be repealed.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation consulted with Commission on Health and Safety and Workers' Compensation (which provided written recommendations regarding the claim form and notice of potential eligibility dated November 2, 2002). The DWC met with an Advisory Committee and reviewed comments regarding the proposed section that was posted on its website to allow for pre-notice public comment.

Business Impact:

The proposed repeal of §10117 will not have a significant adverse economic impact on any business. Repealed §10117 will be replaced with §10117.1. This regulatory change will not increase or decrease the number of copies of the claim form that are necessary for processing a claim for workers' compensation benefits. Also, the new form will be readily downloadable from the website.

Specific Technologies or Equipment:

The repeal of §10117 does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

As required by Labor Code §5401, the Administrative Director consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) with regard to the notice of potential eligibility and claim form. Many of the recommendations made by CHSWC have been incorporated into the proposed notice of potential eligibility and claim form. The notice of potential eligibility and claim form were also discussed with an Advisory Committee. No more effective alternative, nor equally effective and less burdensome alternative, to repealing the current §10117 and proposing the new §10117.1 has been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.

Proposed Section 10117.1 Claim Form and Notice of Potential Eligibility for Benefits

Specific Purpose of Proposed Section 10117.1:

Proposed §10117.1 will replace repealed §10117. It informs the regulated public that the claim form and notice of potential eligibility set forth in §10118.1 is a mandatory form. It also allows the employer to add information pertinent to the claim, including a logo. Because Labor Code §5401 mandates changes to the claim form and notice of potential eligibility that was previously set forth in §10118, §10117 and §10118 will be repealed and replaced with §10117.1 and §10118.1.

Necessity:

Labor Code §5401 authorizes the Administrative Director to prescribe the form and content of the claim form and notice of potential eligibility. The new claim form and notice of potential eligibility is set forth in §10118.1. Section 10117.1 informs the regulated public that the claim form and notice of potential eligibility set forth in §10118.1 is a mandatory form.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation consulted with Commission on Health and Safety and Workers' Compensation (which provided written recommendations regarding the claim form and notice of potential eligibility dated November 2, 2002). The DWC met with an Advisory Committee and reviewed comments regarding the proposed section that was posted on its website to allow for pre-notice public comment.

Business Impact:

Proposed §10117.1 will not have a significant adverse economic impact on any business. This proposed section merely advises that the claim form and notice of potential eligibility is a mandatory form. This regulatory change will not increase or decrease the number of copies of the claim form that are necessary for processing a claim for workers' compensation benefits. Also, the new form will be readily downloadable from the web site allowing employers and insurers to obtain forms on an as needed basis.

Specific Technologies or Equipment:

Proposed §10117.1 does not mandate the use of specific technologies or equipment. The claim forms will continue to be available from WCAB offices located throughout the state.

Consideration of Alternatives:

As required by Labor Code §5401, the Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) with regard to the form and content of the claim form and notice of potential eligibility. Many of the recommendations made by CHSWC were been incorporated into the claim form and notice of potential eligibility. Due to space considerations, some of CHSWC's recommendations were not included. No more effective alternative, nor equally effective and less burdensome alternative, has been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.

Repealed Section 10118 Form

Specific Purpose of Repealed Section 10118:

Section 10118, the employee's claim form for workers' compensation benefits (DWC 1), no longer complies with the requirements set forth in Labor Code §5401, which was amended effective January 1, 2003. The claim form has been revised to include the information required by Labor Code §5401 and will be Section 10118.1.

The current section 10118 claim form is a four-part form. Each part of the form is a different color. The different colors designate to whom that particular page is sent. The top, or white copy, is the employer's copy. The second page, or pink page, is the employee's copy. The third page, or yellow page, is the insurer's or claims administrator's copy. The last page, or green copy, is the employee's temporary receipt. In addition, printed on the back of the last page of the current form is information concerning workers' compensation benefits. The current form is not readily downloadable from the Department of Industrial Relations, Division of Workers' Compensation's website.

In order to allow the claim form to be easily downloaded and printed online, the new form will have a series of boxes at the bottom of the form to be checked off designating whose copy the page in question belongs to. There will no longer be separate colors designating who receives which copy of the form. The information which is currently printed on the reverse side of the last page of the form will now become the first two pages of the new form. This will allow for easy downloading and printing of the form from the Department of Industrial Relations, Division of Workers' Compensation's website.

Necessity:

Labor Code §5401, which was amended effective January 1, 2003, sets forth the requirements pertaining to the notice of potential eligibility and claim form. The form and content is required to be prescribed by the Administrative Director after consultation with the Commission on Health and Safety. The notice of potential eligibility shall be easily understandable and available in both English and Spanish. The current notice of potential eligibility and claim form, which is §10118, no longer meets the requirements mandated by Labor Code §5401, and therefore will be repealed. A newly drafted notice of potential eligibility and claim form is set forth in proposed §10118.1.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation consulted with Commission on Health and Safety and Workers' Compensation (which provided written recommendations regarding the claim form and notice of potential eligibility dated November 2, 2002). The DWC met with an Advisory Committee and reviewed comments regarding the proposed section that was posted on its website to allow for pre-notice public comment.

Business Impact:

The proposed repeal of §10118 will not have a significant adverse economic impact on any business. Proposed §10118.1 will replace the repealed §10118. The new form will be readily downloadable from the Division's website.

Specific Technologies or Equipment:

The repeal of §10118 does not mandate the use of specific technologies or equipment. The claim forms will continue to be available from WCAB offices located throughout the state.

Consideration of Alternatives:

As required by Labor Code §5401, the Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) with regard to the notice of potential eligibility and claim form. Many of the recommendations made by CHSWC have been incorporated into §10118.1, the proposed notice of potential eligibility and claim form, which will replace repealed §10118. The notice of potential eligibility and claim form were also discussed with an Advisory Committee. No more effective alternative, nor equally effective and less burdensome alternative, to repealing the current §10118 and proposing the new §10118.1 has been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.

Proposed Section 10118.1 Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility

Specific Purpose of Proposed Section 10118.1:

Labor Code §5401, which was amended effective January 1, 2003, sets forth the requirements pertaining to the notice of potential eligibility and claim form, which shall be a single document. The claim form is the document an injured worker fills out to report a work related injury. The notice of potential injury advises the injured worker of his or her rights concerning workers' compensation benefits. The form and content is required to be prescribed by the Administrative Director after consultation with the Commission on Health and Safety and Workers' Compensation. The notice of potential eligibility is required to be easily understandable and available in both English and Spanish. Proposed §10118.1 complies with the requirements mandated by Labor Code §5401. It includes the following information: how to file a workers' compensation claim, a description of the different types of workers' compensation benefits, what happens to the claim form after it is filed, from whom the employee can obtain medical care for the injury, the role and function of the primary treating physician, the right of an employee to select and change the treating physician, how to obtain medical care, the protections against discrimination, and the three required statements concerning the right to disagree with decisions affecting the claim, information about information and assistance officers, and information about consulting an attorney.

Additionally, the claim form will no longer be a four part colored form. The notice of potential eligibility will be the first two pages. The claim form will consist of a one page original and three copies. Changing the form from a multi-colored, multi-paged form to a

one-page form will allow the form to be downloaded and printed from the Department of Industrial Relations, Division of Workers' Compensation website.

Necessity:

Labor Code §5401, which was amended effective January 1, 2003, sets forth the requirements pertaining to the notice of potential eligibility and claim form. The form and content is required to be prescribed by the Administrative Director after consultation with the Commission on Health and Safety and Workers' Compensation. The notice shall be easily understandable and available in both English and Spanish. The current form (§10118) no longer meets the requirements mandated by Labor Code §5401, and therefore will be repealed. A newly drafted notice of potential eligibility and claim form is set forth in proposed §10118.1.

Technical, Theoretical, and/or Empirical Study, Reports or Documents:

The Division of Workers' Compensation consulted with Commission on Health and Safety and Workers' Compensation (which provided written recommendations regarding the claim form and notice of potential eligibility dated November 2, 2002). The DWC met with an Advisory Committee and reviewed comments regarding the proposed section that was posted on its website to allow for pre-notice public comment.

Business Impact:

Proposed §10118.1 will not have a significant adverse economic impact on any business. Proposed §10118.1 will replace the repealed §10118. The new form will be readily downloadable from the Division's website.

Specific Technologies or Equipment:

Proposed §10118.1 does not mandate the use of specific technologies or equipment. The claim forms will continue to be available from WCAB offices.

Consideration of Alternatives:

As required by Labor Code §5401, the Administrative Director has consulted with the Commission on Health and Safety and Workers' Compensation (CHSWC) with regard to the notice of potential eligibility and claim form. Many of the recommendations made by CHSWC have been incorporated into §10118.1, the proposed the notice of potential eligibility and claim form, which will replace repealed §10118. The notice of potential eligibility and claim form were also discussed with an Advisory Committee. No more effective alternative, nor equally effective and less burdensome alternative, to repealing the current §10118 and proposing the new §10118.1 has been identified by the Administrative Director at this time. The purpose of the present rulemaking is to solicit and consider alternatives.