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# DWCNewsline

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## **The California Division of Workers' Compensation files final regulations for utilization review enforcement with the Office of Administrative Law**

The Division of Workers' Compensation (DWC) has filed its final regulations for utilization review enforcement with the Office of Administrative Law (OAL). The division has requested an effective date upon filing by the OAL with the secretary of state. The OAL will have 30 working days to review the regulations before filing them with the secretary of state.

The first routine investigation conducted by DWC pursuant to these regulations will take place four calendar months after the effective date of the regulations. The regulations provide for a routine investigation to be initiated at each claims adjusting location at least once every five years, and at utilization review organizations at least once every three years. Target investigations may be conducted based on credible information indicating the possible existence of a violation of Labor Code section 4610 or utilization review regulations (sections 9792.6 through 9792.10).

Penalties will be assessed as specified in the regulations and all penalties collected will be deposited into the Workers' Compensation Administration Revolving Fund.

The proposed utilization review enforcement regulations are authorized by Labor Code section 4610, which requires every employer to have and use a utilization review process, and sets out timelines and conditions to be met whenever a request for authorization of medical treatment will be delayed, modified or denied. Draft utilization review penalties were initially published in the California Notice Register on Apr. 28, 2006. A public hearing took place on Jun. 29, 2006, at the state building in Oakland. The DWC revised the regulations several times based on comments. The last comment period closed Apr. 5, 2007.

The final regulations and the final statement of reasons, as submitted to the OAL, are on the DWC Web site at

[http://www.dir.ca.gov/dwc/DWCPropRegs/UREnforcementRegulations/UR\\_EnforcementRegulations.htm](http://www.dir.ca.gov/dwc/DWCPropRegs/UREnforcementRegulations/UR_EnforcementRegulations.htm).

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