

State of California
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Workers' Compensation

**NOTICE OF FURTHER MODIFICATION TO TEXT OF
PROPOSED REGULATIONS**

Subject Matter of Regulations: Workers' Compensation Benefit Notices and Medical Provider Networks

Title 8, California Code of Regulations, Sections 9767.1, 9767.16, 9810, 9811, 9812, 9813, 9813.1 and 9813.2

NOTICE IS HEREBY GIVEN, pursuant to Government Code section 11346.8(c) that the Acting Administrative Director of the Division of Workers' Compensation, proposes to modify the text of the following proposed amendments to Title 8, California Code of Regulations:

Section 9767.16 Notice of Employee Rights Upon Termination or Cessation of Use
of Medical Provider Network

**PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION
OF WRITTEN COMMENTS**

Members of the public are invited to present written comments regarding this proposed modification. **Only comments concerning the proposed modification to the text of the regulations noticed in this comment period will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

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

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations no later than 5:00 p.m. on October 18, 2007.

Written comments may be submitted by facsimile transmission (FAX), addressed to the 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

Due to the inherent risks of non-delivery by facsimile transmission, the Administrative Director

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suggests, but does not require, that a copy of any comments transmitted by facsimile transmission also be submitted by regular mail.

Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text, the modified text with modifications clearly indicated and the entire rulemaking file, are currently available for public review during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, at the offices of the Division of Workers' Compensation. The Division is located at 1515 Clay Street, 17th Floor, Oakland, California. Please contact the Division's regulations coordinator, Ms. Maureen Gray, at (510) 286-7100 to arrange to inspect the rulemaking file.

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for 45-Day Comment Period:

Deletions from the original regulatory text noticed on October 27, 2006 for the 45-comment period are indicated by single strike-through, thus: ~~deleted language~~.

Additions to the original regulatory text noticed on October 27, 2006 for the 45-comment period are indicated by single underlining, thus: added language.

Proposed Text Noticed for First 15-Day Comment Period on Modified Text:

Deletions from the proposed additions to the regulatory text noticed on October 27, 2006 for the 45-day comment period are indicated by strike-through underlining: ~~deleted language~~

Additions to the original regulatory text or the proposed revised regulatory text noticed on October 27, 2006 for the 45-day comment period are indicated by double underlining: added language.

Deletions from the regulatory text noticed on October 27, 2006 for the 45-comment period are indicated by double strike-through: ~~~~deleted language~~~~.

Proposed Text Noticed for Second 15-Day Comment Period on Modified Text:

Deletions from the proposed regulatory text noticed on September 19, 2007 are indicated by bold double strike-through underlining in light grey shading: ~~~~deleted language~~~~

Additions to the proposed regulatory text noticed on September 19, 2007 are indicated by bold double underlining in light grey shading: added language.

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Proposed Text Noticed for this 15-Day Comment Period on Modified Text:

Newly proposed deletions of the proposed regulatory text noticed on September 19, 2007 are indicated by 18-point font, italicized, bold double strike-through double underlining in light grey shading: ~~**deleted language**~~.

Newly proposed additions to the proposed regulatory text noticed on September 19, 2007 are indicated by 18-point font, italicized, bold double underlining in light grey shading: **added language**.

SUMMARY OF PROPOSED CHANGES

Modifications to Section 9767.16: Notice of Employee Rights Upon Termination or Cessation of Use of Medical Provider Network

In response to comments received, the proposed section has been modified.

Subdivision (a) has been modified to require only *prior* notice instead of 30 days notice of a termination or cessation of use of an MPN.

Subdivision (a)(2)(A) clarifies that an employee treating with a non-MPN physician may be required to treat within the MPN after transfer of care has been effected.

Subdivision (c) is modified to only require the filing and approval of a change of MPN notice with DWC. The requirement to file a notice of MPN termination with DWC has been deleted. In addition a typographical error is being corrected by adding the omitted word “the” to the second sentence of this subdivision. The words “employee notice” in the third sentence of the subdivision have been replaced with the phrase “notices of a change of MPNs.”

No additional modifications have been proposed at this time for the following sections:

Section 9767.1	Definitions
Section 9810	General Provisions
Section 9811	Definitions
Section 9812	Benefit Payment and Notices
Section 9813	Vocational Rehabilitation Notices
Section 9813.1	Notice of Supplemental Job Displacement Benefit and Notice of Offer of Modified or Alternative Work for Injuries Occurring on or after January 1, 2004
Section 9813.2	Return to Work Notices for Injuries Occurring on or after January 1, 2005

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