

9 March 2020

## **Newsom names next DIR Director**

After a few months under the leadership of Victoria Hassid as Acting Director and several months prior to that with no Director at all, Gov. Newsom has named a new director at the Department of Industrial Relations. She is **Katrina S. Hagen**, who most recently served as Chief Deputy Director of the Calif. Dept. of Tax and Fee Administration (CDTFA) the agency that replaced the regulatory functions of the Board of Equalization.

Hagen's prior service includes the California Department of Human Resources, Human Resources chief at CalPERS and the state Department of Corrections.

She is a graduate of Humboldt State University and earned a Master of Public Administration degree from the University of San Francisco (USF).

Governor Newsom also appointed **Doris Ng** general counsel for DIR. Previously, Ng was staff counsel at the Division of Labor Standards Enforcement since 2014.

Hagen's appointment requires Senate confirmation.

## **From the Department of Industrial Relations (DIR) - Covid-19**

Cal/OSHA has posted guidance on the requirements to protect workers from coronavirus. Visit the page for guidelines, educational materials and model programs on what is required to prevent occupational exposure to the virus: <https://bit.ly/2IrDD37> <https://pic.twitter.com/Dw43Lvl8H4>

## **Thinking of cloistering yourself and your staff by canceling QME or AME appointments?**

The Division has been asked to address the question, "when is Covid-19 good cause" with respect to rescheduling evaluations. The Division has yet to advise the community based on the current situation. While sympathizing with the complexity and gravity of the situation, we hope it does not delay any further.

8CCR Section 34 (d)(e) and (f) address the conditions and requirements that must be met if an evaluator were to choose to cancel an evaluation less than six days of the scheduled appointment for "good cause." In addition, 8 CCR Section 41 outlines the Ethical Requirements QMEs must follow to maintain themselves in good standing. Specifically, Section 41(a)(8) commits the QME to following the "good cause" and rescheduling requirement. Subsection 41 (h) and (i) allow the evaluator to terminate an evaluation as it is taking place, if the injured worker is intoxicated, abusive, disruptive or under the influence of any medication that

impairs his/her ability to participate in the evaluation. No regulation directly addresses if the injured worker is or could be sick with a highly communicable disease (see the DIR guidance from the previous item). Follow these links to the regulations: <https://www.dir.ca.gov/t8/34.html> and <https://www.dir.ca.gov/t8/41.html>.

If the physician's decision is entirely prophylactic, another important consideration is the downstream effect for the injured worker. Don't be "guilted" into endangering your staff or yourself. However, keep in mind that many injured workers wait months for an evaluation and further delays don't help. Yet, on what basis can an evaluator pick and choose among the injured workers they've scheduled? What can legal counsel compel and what is the role of the WCAB under these circumstances?

This is clearly uncharted territory.

The Division and WCAB need to lead the community through this problem followed by a renewed sense of cooperation among everyone involved.

**Later this week, look for more on the Medical Legal Fee Schedule and accompanying report quality and system revisions under consideration.**

Glad to be of service.

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