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## DWC Update on Proposed Emergency QME Regulations: Comments Accepted through Tuesday, May 12

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Steve Cattolica <scattolica@ca-wcsa.org>

Mon, May 11, 2020 at 1:30 PM

All,

The DWC submitted emergency regulations to the Office of Administrative Law (OAL) last Monday. **Written comments to both the Division and OAL must be submitted by close of business tomorrow, May 12, 2020. Comments are best submitted via email to the Division AND the OAL at the addresses indicated in the attached DWCNewsline.**

Yours truly submitted comments regarding DWC's off-handed comment that med-legal evaluations and thus, your services are not essential. The Division based its errant conclusion on the California Department of Public Health list of essential services maintained by Dr. Sonja Angell, Director of the CDHP (attached) and guidelines from the Federal Department of Homeland Security. While acknowledging that the Feds have little if any interest in California's medical-legal evaluation process, the OAL and Division were reminded that your evidentiary contribution to the dispute resolution process is essential and often required. Without it, many, many claims are not timely settled. Such delays are to the detriment of both the injured worker and employers. OAL and the Division were requested to delete the language stating evaluations were not essential.

As you will see from the CDHP's list, there are several categories of essential services into which an evaluation can be put. In combination, it should be easy for the Division to acknowledge what is already taking place and the essential nature face-to-face medical-legal evaluations when they can be suitably arranged.

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We'll see to what extent they pay attention.

Take care, be safe.

Steve Cattolica



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## NEWSLINE

Newsline No.: 2020-40

Date: May 11, 2020

### DWC Update on Proposed Emergency QME Regulations: Comments Accepted through Tuesday, May 12

The Division of Workers' Compensation (DWC) advises that in response to COVID-19 proposed emergency regulations for Qualified Medical Evaluations (QMEs) were posted on the state's Office of Administrative Law (OAL) website on May 7, 2020.

Pursuant to section 55 of title 1 of the California Code of Regulations, comments may be submitted to OAL and DWC through May 12, 2020.

If you wish to comment on these regulations, please contact Nicole Richardson by email at [NRichardson@dir.ca.gov](mailto:NRichardson@dir.ca.gov), by fax at 510-286-0687 or by telephone at 510-286-0656; and email OAL's reference attorney at [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

The text of the emergency regulations is posted on DWC's website.

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