

**NEWSLINE**

**Release Number:** 2023-38

**Date:** May 12, 2023

**DWC Issues Notice of 15-Day Public Comment Period for QME Process Regulations**

The Division of Workers’ Compensation (DWC) has issued a notice of public comment period beginning on May 12, 2023, for modifying the text of proposed amendments to the Qualified Medical Evaluator (QME) Regulations. The affected regulations are Title 8, California Code of Regulations Sections 1, 11, 11.5, 14, 33, 35, 35.5, 50, 51, 52, 54, 55, 56, 57, 63, 10133.54 & 10133.55. (QME Process Regulations).

The proposed changes are necessary to bring existing regulations into compliance with amendments to the Labor Code and to clarify the Administrative Director’s authority with respect to the process related to appointment and reappointment of QMEs, which is granted by relevant statutory authority.

On March 13, 2023, DWC held a public hearing and received public comments on the amendments to the QME Process Regulations.Based on the comments received, DWC proposes to update the text of the proposed amendments of the regulation to:

* Provide a definition of “current” for California Workers Compensation Evaluation certificates.
* Change the position of certain subdivisions within proposed regulation section 11.5 and make clear that virtual learning environments can be used for in-person instruction.
* Clarify the number of hours required as in-person or on-site learning for chiropractic certification.
* Conform days for scheduling initial QME appointments cited in regulation section 33 to amendments in regulation section 31.3(e).
* Delete all references to the defunct designation of “Agreed Panel QME”.
* Establish additional grounds for discipline pursuant to Labor Code section 139.21.
* Correct typographical errors.

DWC will consider all public comments. The 15-day notice of modification to the text of the proposed regulations and the text of the regulations can be found on DWC’s [rulemaking page](https://www.dir.ca.gov/dwc/DWCPropRegs/2023/QME/Index.htm).

**Written comments should be addressed to:**  
Maureen Gray, regulations coordinator  
Department of Industrial Relations  
Division of Workers' Compensation  
1515 Clay Street, 18th floor  
Oakland, CA 94612

The Division’s contact person must receive all written comments concerning the proposed modification to the regulations no later than May 30, 2023. 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](mailto:dwcrules@dir.ca.gov?subject=%20Qualified%20Medical%20Evaluator%20(QME)%20Process%20Regulations).

The [California Department of Industrial Relations](https://www.dir.ca.gov/), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](https://www.labor.ca.gov/)