

N E W S L I N E

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DWC Issues First 15-Day Comment Period for Workers' Compensation Benefit Notice Regulations

Following a public hearing on September 3, 2014 and a review of submitted comments, the Division of Workers' Compensation (DWC) has made revisions to the workers' compensation benefit regulations. Members of the public are invited to present written comments regarding the proposed modifications to dwcrules@dir.ca.gov until 5 p.m. on Monday, May 11, 2015.

Proposed revisions include the following requirements and clarifications:

- Each benefit notice must refer the employee (by chapter number and internet url) to the appropriate chapter of the publication "Workers' Compensation in California: A Guidebook for Injured Workers" that addresses the benefit(s) to which the notice pertains, and advise the employee how to obtain a complete copy of the Guidebook.
- Notification of benefits by electronic service is only available where the claims administrator offers that option, and that the employee's written agreement is required.
- When the method of service of the benefit notice is electronic, in lieu of regular mail, service must be through the use of a secure, encrypted email system. The claims administrator will be required to maintain a log of service dates, and receipt acknowledgements, for each benefit notice sent electronically.
- If the claims administrator receives notice that an electronic benefit notice was not delivered to the email address provided by the employee, or attorney, if represented, the claims administrator will be required to send the benefit notice to the employee and attorney by regular mail within one (1) business day of receipt of the failed electronic delivery notice.
- Revising and simplifying the process of notifying an employee of the process for disputing a claims administrator's determination based on a medical evaluation.
- If an employee does not inform the claims administrator of his or her choice of a panel QME, the claims administrator may, but is not required to, choose the QME who will examine the employee and arrange the appointment.

- The effective date of the amended regulations will be January 1, 2016.

The notice and text of the regulations can be found on the [DWC proposed regulations page](#).

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