

SEPTEMBER 27, 2024

## EMPLOYMENT DEVELOPMENT DEPARTMENT

### 15-DAY NOTICE OF AVAILABILITY OF INFORMATION ADDED TO THE RULEMAKING FILE AND MODIFICATIONS TO TEXT OF PROPOSED RULEMAKING REGARDING AMENDMENT OF TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 2706-4

Pursuant to the requirements of Government Code section 11346.8(c) and California Code of Regulations, title 1, section 44, the California Employment Development Department (EDD) hereby makes available and gives notice that it has revised the text of the above-referenced proposed regulatory action, which was initially published and noticed for public comment on May 12, 2023 and previously revised, published, and noticed for public comment on January 11, 2024.

Additionally, pursuant to the Requirements of Government Code sections 11346.8(d), 11346.9(a)(1), and 11347, the EDD is providing notice that documents have been added to the rulemaking file and are available for public inspection and comment.

The documents and information added to the rulemaking file are as follows:

Modified Text of Proposed Regulation

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments regarding these newly proposed revisions, and only these revisions, of the text as well as the added document to **Victor Lao** via U.S. mail, email, or fax (see U.S. mail and email addresses and fax number indicated below). **Email comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, email, or fax, must be received by the Department no later than October 14, 2024.** All written comments received on **October 14, 2024**, which pertain to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

## Contact Persons

Inquiries or comments should be directed to:

(Mailing address) Victor Lao, Attorney  
Employment Development Department  
P. O. Box 826880  
Legal Office, MIC 53  
Sacramento, CA 94280-0001

(Hand delivery) Victor Lao, Attorney  
Employment Development Department  
800 Capitol Mall, Room 5040  
Legal Office, MIC 53  
Sacramento, CA 95814

Telephone No.: (916) 654-8410  
Fax No.: (916) 654-9069  
Email Address: ProposedRegulations@edd.ca.gov

Note: In the event Mr. Lao is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Linda Saeturn-Rodriguez, Senior Legal Analyst  
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Victor Lao, Attorney  
Telephone No.: (916) 654-8410

## **INTERNET WEBSITE ACCESS**

The Department has posted on its internet website <https://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

MODIFIED TEXT OF PROPOSED REGULATION

**Employment Development Department**  
**PROPOSED REGULATION TEXT**

Amendment of Section 2706-4  
Title 22, California Code of Regulations

NOTE: The original text published in the California Code of Regulations has no underline. The initial proposal (noticed on May 12, 2023) is illustrated by single underline for proposed additions and ~~single strikethrough~~ for proposed deletions. Changes for the 15-day comment period are illustrated with text proposed to be deleted in this notice shown in ~~double strikethrough~~; text proposed to be added is shown in double underline. Changes for the second 15-day comment period are illustrated with text proposed to be added shown in wavy underline.

AMEND SECTION 2706-4 TO READ AS FOLLOWS:

§ 2706-4. ~~Claims~~ Claim Documents That May Be Filed by Mail.

- (a) ~~All claims and other required documents relating thereto~~ required claim documents completed by the claimant or their authorized representative may be filed by mail except in those cases where the claimant is notified by the department that a personal appearance or examination will be required. Filing by mail shall be deemed complete at the time of deposit in the mail, in a sealed envelope, with postage paid, addressed to the department.
- (b) Physicians and practitioners must file documents electronically through the department's online system unless they have been granted a waiver filed an exemption with the department. The department may grant the waiver. An exemption may be filed when the physician or practitioner has merely certified to one of the following reasons: a lack of automation, a severe economic hardship, or other good cause, as well as complied with the other requirements as specified in (d) and (e) below. An approved waiver filed exemption shall be valid for one year or longer, at the discretion of the director and may be refiled annually.
- (c) Definitions. As used in this section, the following terms have the meanings assigned:
- (1) A "lack of automation" means the physician or practitioner is unable to use the department's online system to file documents electronically due to system limitations or does not use computer technology for document management and/or electronic health records.

- (2) A "severe economic hardship" means the physician or practitioner does not have the resources to invest in the needed equipment and services to comply with the electronic certification requirement.
  - (3) "Other good cause" means a compelling reason that would restrict the physician or practitioner from being able to file documents electronically through the department's online system, including but not limited to, being in a rural area and limited access to the internet.
- (d) Physicians or practitioners seeking an exemption from filing documents electronically shall provide the following information on the department's designated exemption form:
- (1) physician's or practitioner's name (as it appears on their medical license).
  - (2) physician's or practitioner's mailing address.
  - (3) physician's or practitioner's physician business address, if different from their mailing address.
  - (4) physician's or practitioner's license number and type.
  - (5) physician's or practitioner's email, if available.
  - (6) physician's or practitioner's telephone number.
  - (7) reason for exemption.
  - (8) physician's or practitioner's signature.
- (e) The completed exemption form shall be submitted to the department by mail to the address specified on the department's designated exemption form or in person at any State Disability Insurance office. Each request for exemption from electronic filing that meets the requirements of this section shall be considered filed and valid as of the postmark date or the receipt date, whichever is earlier. The department shall send the physician or practitioner a notice of receipt by mail to their mailing address within four (4) business days of receipt of a completed exemption form. The notice of receipt shall include the date of filing and the period covered by the exemption. If the physician or practitioner fails to provide all the required information as specified in (d) above, the exemption cannot be filed, and the department will notify the physician or practitioner of the defect(s) by mail to their mailing address within four (4) business days of its receipt. The physician or practitioner may resubmit a completed exemption form at any time.

Authority cited: Sections 305, 306 and 2602, Unemployment Insurance Code.  
Reference: Section 2706, Unemployment Insurance Code.