

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION

P U B L I C H E A R I N G
(via Zoom)

Friday, September 17, 2021
Elihu Harris State Office Building Auditorium
1515 Clay Street
Oakland, California 94612

GEORGE PARISOTTO
Administrative Director

JOHN CORTES
Moderator
Industrial Relations Counsel

RAYMOND K. MEISTER, M.D.
Executive Medical Director

MAUREEN GRAY
Regulations Coordinator

NICOLE L. RICHARDSON
DWC Legal

Reported by: Monica Manar, CSR No. 12471
Official Hearing Reporter

INDEX

(NONE)

1 (Time Noted: 10:01 a.m.)

2
3 MR. CORTES: All right. Good morning, everyone. My name
4 is John Cortes. I'm an Industrial Relations Counsel for the
5 Division of Workers' Compensation.

6 Before I open today's hearing to public comment, I
7 want to inform everyone that this hearing is being recorded.
8 Now, this hearing is being recorded to assist our hearing
9 reporter. We will not be sharing the recording, but as is
10 always the case, we will post the transcript of this hearing
11 prepared by our hearing reporter on our rulemaking web page.

12 I want to quickly go over the instructions on how to
13 give a verbal comment during today's hearing. There are two
14 ways to do so. First, if you've logged onto this Zoom public
15 hearing from a PC, Mac, Linux, iOS, or Android, please send a
16 chat to Request to Speak and provide your full name (first and
17 last name) and who you're affiliated with, or company name, if
18 any. Individuals will be called in the order of receipt of
19 request. To send a chat, find the chat option. And it's
20 likely towards the bottom of your screen, but it depends on
21 your device and your settings. Choose Request to Speak. Type
22 the information requested and click *send* or hit *enter*.

23 Request to Speak will respond by acknowledging your request.

24 Please do not send more than one request. There may be
25 multiple requests being processed at the same time, so a reply

1 may not be instantaneous. If you can, please be patient with
2 us.

3 Do not send a chat to any other co-host besides
4 Request to Speak because it will not be acknowledged.
5 Request to Speak is the only person monitoring this chat during
6 the hearing. Also, do not send your written comments through
7 the chat. Any written comments sent via the chat thread will
8 be ignored.

9 Finally, please update your name that will be shown on
10 the screen so that it properly reflects your name. This will
11 allow my assistants to locate you in the queue and then timely
12 unmute you when it's your turn to make a verbal comment. To
13 rename yourself, click onto the three dots on your picture
14 screen and click *rename*.

15 Now, second, if you've called into this hearing,
16 rather than joining us from a PC, Mac, Linux, iOS, or Android,
17 you can e-mail your request to make a verbal comment. Please
18 send an e-mail with your name, affiliation, if any, and the
19 telephone number you used to call into this hearing to:
20 dwcrules@dir.ca.gov. Again, please include the telephone
21 number you used to call into this hearing so DWC can identify
22 who to unmute when it's your turn to speak.

23 Okay. With that, I will give everyone a few minutes
24 to sign in if you wish to make a verbal comment today. As we
25 pause to allow people to sign in, if you've joined us from a

1 PC, Mac, Linux, iOS, or Android, you will be able to see the
2 instructions I just gave on the screen.

3 So why don't we go ahead and post the instructions on
4 the screen, and I am going to pause just a few minutes to allow
5 everyone who wishes to make a verbal comment today, to sign in.
6 Okay, so let's give this a few minutes.

7 For those of you who you've called into this hearing
8 and who can't see the instructions, I'm going to go ahead and
9 just verbally give you the instructions again. If you missed
10 it, if you called into this hearing, rather than joining us
11 from a device like a PC or a smartphone or a tablet, you can
12 e-mail your request to make a verbal comment. Please send an
13 e-mail with your name, affiliation, if any, and the telephone
14 number you used to call into this hearing to:

15 dwcrules@dir.ca.gov. Again, please include the telephone
16 number used to call into this hearing so DWC can identify who
17 to unmute when it's your turn to speak.

18 Okay. Well, it looks like we've given this a few
19 minutes for everyone to sign up who wished to make a verbal
20 comment. So let's go ahead and take down the instructions from
21 the screen, and let's go ahead and get started.

22 I want to thank you for participating in today's
23 public hearing. Again, my name is John Cortes. I'm an
24 Industrial Relations Counsel for the Division of Workers'
25 Compensation.

1 This is our noticed public hearing for the
2 evidence-based update to the Medical Treatment Utilization
3 Schedule, also known as the MTUS. The Division is proposing to
4 make evidence-based updates to the MTUS by adopting the
5 American College of Occupational and Environmental Medicine, or
6 the acronym is ACOEM, Low Back Disorders Guideline.

7 Now, I'd like to take a moment to introduce the other
8 DWC staff members who have also joined us today. With us is
9 George Parisotto, DWC's Administrative Director, and also
10 joining us is Dr. Raymond Meister, DWC's Executive Medical
11 Director. Our hearing reporter today is Monica Manar.

12 Now, the purpose of this hearing is to receive
13 comments on the proposed amendments to the regulations, and we
14 welcome any comments you have about them. Please note we will
15 not ask questions, respond to or discuss anyone's comments,
16 although we may ask for clarification or ask you to elaborate
17 further on any points that you're presenting. This is your
18 turn to speak. All of your comments, both given verbally here
19 today and those submitted in writing, will be considered in
20 determining what revisions, if any, we make to the proposed
21 regulations.

22 Please restrict the subject of your comments to the
23 proposed regulations. Your time allotted to make a verbal
24 comment is limited to approximately five minutes. Now, this is
25 not a hard stop, but I will give you a warning to wrap up your

1 comments if you go beyond the five-minute mark. If you do not
2 wrap up your comments within a reasonable time after this
3 warning, your time will be cut off.

4 I will call the names of those who have indicated they
5 wish to comment today, and I apologize in advance if I
6 mispronounce anyone's name.

7 All testimony today will be taken down by the hearing
8 reporter, again, Monica Manar. She has the green light to
9 interrupt a commenter to request a spelling of a word, seek
10 clarification of any phrase, or ask a speaker to please slow
11 down, if need be.

12 When everyone on this list has had a chance to make
13 their public comment, I will check to see if anyone else still
14 wants to make a verbal comment. The hearing will continue for
15 as long as there are people on this Zoom hearing who wishes to
16 comment on the proposed regulations, but it will close no later
17 than 5 o'clock this afternoon. If the hearing continues into
18 the lunch hour, we will take at least an hour break.

19 Finally, in lieu of making a verbal comment during the
20 hearing, or if you wish to supplement your verbal comment made,
21 you may submit a written comment. All written comments can be
22 submitted by fax at the following number: (510) 286-0657 or to
23 the following e-mail address: dwcrules@dir.ca.gov. Written
24 comments submitted by fax or by e-mail will be accepted until
25 midnight tonight. So you have an opportunity to submit written

1 comments until midnight tonight.

2 For those who do not wish to speak today but want to
3 be notified of any subsequent changes or of the final
4 adaptation of the MTUS evidence-based update, please provide
5 your complete name and e-mail address to the same address
6 mentioned earlier. Again, the e-mail address is
7 dwcrules@dir.ca.gov. Any notice of changes and the final
8 notice to the evidence-based update to the MTUS will be sent to
9 everyone who requests that information.

10 With that, let me take a quick look at our list. You
11 know, I -- it doesn't seem like anyone has signed up. Doesn't
12 that -- I know that there are participants in this hearing, but
13 no one has yet signed up to make a verbal comment.

14 I'm going to give the instructions one last time,
15 okay? Just in case you missed it, I'm going to give the
16 instructions one last time.

17 In order to make a verbal comment, there are two ways
18 to do it. If you've joined us from a PC, Mac, Linux, iOS, or
19 Android, you can make a verbal comment by sending a chat to
20 [Request to Speak](#). You need to provide your full name (first
21 and last name) and any affiliation, if any, and send a chat to
22 [Request to Speak](#), and [Request to Speak](#) will acknowledge your
23 request to make a verbal comment.

24 Finally, if you've joined us by telephone, you can
25 e-mail your request to make a verbal comment. Please send an

1 e-mail with your name, affiliation, if any, and the telephone
2 number you used to call into this hearing to:
3 dwcrules@dir.ca.gov. Again, please include the telephone
4 number you used to call into this hearing so DWC can identify
5 who to unmute when it's your turn to speak.

6 I am -- I'm, again, looking at my list of potential
7 speakers, and no one has signed up. So, if we do not have
8 anyone else or anyone who wishes to make a verbal comment
9 today, the time is 10:15, and this public hearing is now
10 closed.

11 Thank you very much, everyone.

12 (Whereupon the proceeding concludes at 10:15 a.m.)

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REPORTER'S CERTIFICATE

I, Monica Manar, the undersigned Certified Shorthand Reporter and Official Hearing Reporter for the State of California, do hereby certify:

That the foregoing transcript of proceedings taken on September 17, 2021, was taken stenographically before me; subsequently with computer-aided transcription, produced under my direction and supervision; and that the foregoing is a full, true, and correct transcript of my original shorthand notes.

I further certify that the proceedings, as transcribed, comprise an accurate transcript of the testimony.

09/20/2021

Date



Monica Manar, CSR. No. 12471
Official Hearing Reporter