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State of California

# DWCNewsline

Division of Workers' Compensation  
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## **California moving toward first major reorganization of its medical treatment utilization schedule**

The California Division of Workers' Compensation (DWC) is restructuring its medical treatment utilization schedule (MTUS), commonly referred to as medical treatment guidelines. In addition to adding a new section for postsurgical physical medicine, revising the chronic pain section and updating the elbow section of the guidelines, the division is reorganizing the MTUS into a clinical topics format, which will allow for easier updates in the future.

"The MTUS is a living document," said DWC Executive Medical Director Dr. Anne Searcy. "Reorganizing it in this way means we can adopt updates without affecting other parts of the MTUS. This is important because any update to the MTUS must be done through formal rulemaking."

The Legislature, in 2003, charged the DWC administrative director (AD) with adopting an MTUS that would be presumed correct on the issue of extent and scope of medical treatment, and made the American College of Occupational and Environmental Medicine Practice Guidelines, 2<sup>nd</sup> Edition, (ACOEM) the standard until the adoption of an MTUS by the AD.

The ACOEM guidelines form the basis of the MTUS, which became effective June 15, 2007. Many acclaimed organizations, such as ACOEM, the Official Disability Guidelines (ODG), the American College of Physicians and others promulgate guidelines.

To ensure California's injured workers have access to effective and appropriate treatment, the MTUS regulations also created a medical evidence evaluation advisory committee (MEEAC), which meets regularly to review the latest medical evidence and advise the division about incorporating new evidence-based guidelines into its MTUS.

Currently, in addition to ACOEM's Practice Guidelines, 2<sup>nd</sup> Edition, the MTUS includes acupuncture guidelines adopted from the state of Colorado, and is being updated to include a new section from ACOEM on elbow complaints, along with chronic pain and postsurgical treatment guidelines adopted from the ODG.

“Moving the MTUS to a format based on clinical topics gives us the flexibility to survey all the nationally recognized, evidenced-based guidelines before deciding which one to adopt or modify for each individual section,” said Searcy.

Updates to external publications, such as the ACOEM guidelines, cannot automatically be incorporated into the MTUS because that would constitute an illegal delegation of authority to an external party. It is well settled that the California courts support regulations which only incorporate by reference documents in existence at the time the regulation is adopted.

The DWC’s vision for California’s treatment guidelines includes continuous review and incorporation of best practices, which is why it established the MEEAC. The MEEAC began work to supplement California’s medical treatment guidelines at its first meeting in March of 2007 and has met four times to advise the DWC medical director on treatment guideline issues. After modifying Colorado’s acupuncture guideline, the committee reviewed and recommended adoption of ACOEM’s new elbow chapter. The MEEAC then counseled the medical director to use the Official Disability Guideline as the basis for the chronic pain section of its MTUS. The committee was instrumental in crafting a new introduction that helps integrate this section into the MTUS and captures the current thinking on chronic pain. The MEEAC also helped craft the postsurgical treatment section that outlines the number of visits needed for rehabilitation after surgeries commonly performed in the workers’ compensation system.

The MEEAC appointees represent a wide variety of specialties, with experience in fields such as orthopedic surgery, occupational medicine, physical therapy, chiropractic and acupuncture. The committee also includes providers whose breadth of experience encompasses everything from family practice in a rural setting to neurosurgery, ensuring the division is advised on crafting appropriate guidelines for workers across a spectrum of injuries and circumstances.

Following adoption of its currently proposed regulation, the DWC’s next priority for the MTUS is to select a low back guideline and adapt it for use in California.

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