

**State of California
Office of Administrative Law**

In re:
Division of Workers' Compensation

Regulatory Action:

Title 08, California Code of Regulations

Amend sections: 9792.22, 9792.23.2, and
9792.24.7

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

OAL Matter Number: 2023-0705-01

OAL Matter Type: File and Print Only (FP)

This request for filing and printing by the Division of Workers' Compensation of the Department of Industrial Relations makes evidence-based updates to the medical treatment utilization schedule pursuant to Labor Code section 5307.27.

OAL filed these regulations with the Secretary of State and will publish the regulations in the California Code of Regulations.

Date: August 10, 2023



Steven J. Escobar
Senior Attorney

Original: George Parisotto, Administrative
Director

For: Kenneth J. Pogue
Director

Copy: Nicole L. Richardson

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2023-0705-01	FP

For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 10 2023

1:53 PM

AGENCY WITH RULEMAKING AUTHORITY
Division of Workers' Compensation within the Department of Industrial Relations

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Medical Treatment Utilization Schedule (MTUS)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 9792.22; 9792.23.2; 9792.24.7
TITLE(S) 8	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) pursuant to Labor Code 5307.27(a)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) August 10, 2023

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Nicole Richardson	TELEPHONE NUMBER 510-286-0656	FAX NUMBER (Optional) 510-286-0671	E-MAIL ADDRESS (Optional) nrichardson@dir.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 6/29/2023
TYPED NAME AND TITLE OF SIGNATORY George Parisotto, Administrative Director, Division of Workers' Compensation	

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

AUG 10 2023

Office of Administrative Law

**TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 4.5. DIVISION OF WORKERS' COMPENSATION
SUBCHAPTER 1. ADMINISTRATIVE DIRECTOR -- ADMINISTRATIVE RULES
ARTICLE 5.5.2. MEDICAL TREATMENT UTILIZATION SCHEDULE**

§ 9792.22. General Approaches.

(a) The Administrative Director adopts and incorporates by reference into the MTUS specific guidelines set forth below from the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines (ACOEM Practice Guidelines) for the following chapters.

(1) Prevention (ACOEM May 1, 2011).

(2) General Approach to Initial Assessment and Documentation (ACOEM July 25, 2016).

(3) Initial Approaches to Treatment (ACOEM October 22, 2021).

(4) ~~Cornerstones of Disability Prevention and Management (ACOEM May 1, 2011).~~ Work Disability Prevention and Management (ACOEM April 11, 2022).

Note: Authority cited: Sections 133, 4603.5, 5307.3 and 5307.27, Labor Code.
Reference: Sections 77.5, 4600, 4604.5 and 5307.27, Labor Code.

§ 9792.23.2. Shoulder Disorders Guideline.

The Administrative Director adopts and incorporates by reference the Shoulder Disorders Guideline (~~ACOEM August 1, 2016~~ February 6, 2023) into the MTUS from the ACOEM Practice Guidelines.

Note: Authority cited: Sections 133, 4603.5, 5307.3 and 5307.27, Labor Code.
Reference: Sections 77.5, 4600, 4604.5 and 5307.27, Labor Code.

§ 9792.24.7. ~~Coronavirus (COVID-19)~~ COVID-19 Guideline.

The Administrative Director adopts and incorporates by reference the ~~Coronavirus (COVID-19)~~ COVID-19 Guideline (~~ACOEM March 29, 2021~~ March 6, 2023) into the MTUS from the ACOEM Practice Guidelines.

Note: Authority cited: Sections 133, 4603.5, 5307.3 and 5307.27, Labor Code.
Reference: Sections 77.5, 4600, 4604.5 and 5307.27, Labor Code.

Text of Regulations – Effective August 10, 2023
Evidence-Based Updates to the Medical Treatment Utilization Schedule (MTUS)
California Code of Regulations, title 8, section 9792.22, 9792.23.2, and 9792.24.7.

Per agency request: SE, 1/31/2023



AMERICAN COLLEGE OF
OCCUPATIONAL AND
ENVIRONMENTAL MEDICINE

COVID-19

Effective March 6, 2023

TABLE OF CONTENTS

1. Summary of Updates.....	2
2. Strength of Evidence Ratings.....	3
3. Introduction.....	4
4. Vaccines.....	23
5. Masks and Respirators	31
6. Lockdowns and Shutdowns	34
7. Diagnostic Approach	35
8. Treatment Recommendations	40
8.1. Overview.....	40
8.2. Paxlovid	42
8.3. Interferon.....	44
8.4. Molnupiravir	45
8.5. Remdesivir	47
8.6. Convalescent COVID-19 Antibodies	49
8.7. Fluvoxamine	50
8.8. Hydroxychloroquine or Chloroquine	52
8.9. Ivermectin.....	59
8.10. Azithromycin.....	63
8.11. Vitamin D.....	66
8.12. Zinc	68
8.13. Glucocorticosteroids.....	70
8.14. Favipiravir.....	71
8.15. Lopinavir/Ritonavir.....	73
8.16. Adalimumab	74
8.17. Bamlanivimab plus Etesevimab.....	75
8.18. Baricitinib	76
8.19. Bebtelovimab.....	77
8.20. Casirivimab plus Imdevimab (Regeneron).....	78
8.21. Sotrovimab	79
8.22. Tixagevimab plus Cilgavimab (Evusheld).....	80
8.23. Ribavirin.....	81
9. Rehabilitation	83
10. Contributors	95
References.....	100



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Shoulder Disorders

Effective February 06, 2023

Table of Contents

1. Summary of Recommendations	4
2. Workflows	27
3. Introduction	27
3.1. <i>Summary of Recommendations</i>	28
3.2. <i>Overview</i>	29
3.3. <i>Basic Principles and Definitions</i>	33
3.4. <i>Initial Assessment</i>	36
3.5. <i>Medical History</i>	36
3.6. <i>Physical Examination</i>	39
3.7. <i>Diagnostic Criteria</i>	48
3.8. <i>Work-Relatedness</i>	54
3.9. <i>Treatment Recommendations</i>	60
4. Rotator Cuff Tendinopathies	73
4.1. <i>Summary of Recommendations</i>	73
4.2. <i>Overview</i>	79
4.3. <i>Diagnostic Criteria</i>	80
4.4. <i>Work Limitations</i>	80
4.5. <i>Diagnostic Recommendations</i>	81
4.6. <i>Treatment Recommendations</i>	103
5. Bicipital Tendinopathy and Ruptured Bicipital Tendon	211
5.1. <i>Summary of Recommendations</i>	211
5.2. <i>Overview</i>	211
5.3. <i>Diagnostic Recommendations</i>	212
5.4. <i>Treatment Recommendations</i>	213
6. Shoulder Osteoarthritis (Glenohumeral and Acromioclavicular Joint)	230
6.1. <i>Summary of Recommendations</i>	230
6.2. <i>Overview</i>	232
6.3. <i>Work Limitations</i>	233



AMERICAN COLLEGE OF
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Work Disability Prevention and Management

Effective April 11, 2022

TABLE OF CONTENTS

1. Introduction	2
1.1. Definitions	2
1.2. Objectives	3
1.3. Methods and Limitations	3
1.4. Impact of Work Disability.....	4
1.5. Etiology of Work Disability.....	4
1.6. COVID-19.....	6
2. General Approach to Work Disability Prevention.....	7
2.1. Basic Considerations	7
2.2. Early Intervention	10
2.3. The Critical Need for Further Study	10
2.4. Summary	10
3. Treatment Recommendations	10
3.1. Overview	10
3.2. Disability Screening	11
3.3. Education	13
3.4. Exercise	14
3.5. Cognitive Behavioral Therapy	16
3.6. Medications	19
3.7. Injection Therapies.....	19
3.8. Surgical Treatments	20
3.9. Other Modalities	20
3.10. Nurse Case Management.....	21
3.11. Workplace Interventions	22
3.12. Vocational Rehabilitation.....	24
4. Auditing/Monitoring Criteria	25
5. Contributors and Disclosures	26
References	28