

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

**CONFERENCE CALL PUBLIC HEARING**

Friday, May 14, 2021  
(conducted via teleconference)

**John G. Cortes**  
Moderator  
Industrial Relations Counsel

**Maureen Gray**  
DWC Regulations Coordinator

**George Parisotto**  
DWC Administrative Director

**Raymond Meister, MD, MPH**  
DWC Executive Medical Director

Reported by: Veronica L. Iglesias, C.S.R. 9441  
Official Hearing Reporter

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**I N D E X**

PAGE

Don Schinske

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1 (The time is 10:02 A.M.)

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4 MR. CORTES: Good morning, everyone. My name is John  
5 Cortes. I'm an Industrial Relations counsel for the Division  
6 of Workers' Compensation. So before we begin today's  
7 conference call, let me give this a few more minutes just to  
8 make sure that everyone is logging on.

9 Okay. So let me start over again. Good morning,  
10 everyone. My name is John Cortes. I'm an Industrial Relations  
11 counsel for the Division of Workers' Compensation.

12 Before we begin today's conference call public hearing, I  
13 want to inform everyone that this call is being recorded. I  
14 also want to ask if anyone wishes to make a public comment  
15 today so we can create a list of speakers. So if you do, can  
16 you please give us your full name, the organization you are  
17 affiliated with, if any, and contact information in case we  
18 need to provide you with any updates. We prefer an e-mail  
19 address, but if you don't have an e-mail address, your phone  
20 number or mailing address would be fine. Maureen Gray, the DWC  
21 Regulations Coordinator, who is also on this call, will write  
22 down your information.

23 So does anyone wish to make a public comment today?  
24 Anyone?

25 MR. SCHINSKE: I --

1 MR. CORTES: Okay. Yes.

2 MR. SCHINSKE: Just jumping on here. Yeah, I'll make a  
3 quick comment.

4 This is Don Schinske. I'm calling on behalf --

5 MR. CORTES: Don.

6 MR. SCHINSKE: Yes, sir.

7 MR. CORTES: Don, can you please spell your full name.

8 MR. SCHINSKE: Sure. Don Schinske, S-c-h-i-n-s-k-e.

9 MR. CORTES: Okay. And you're making a comment on behalf  
10 of which organization?

11 MR. SCHINSKE: The Western -- The Western Occupational and  
12 Environmental Medical Association.

13 MR. CORTES: Okay. We have you on the list. Okay. Don,  
14 you'll be the first one on the list.

15 I'm going -- I'm going to then ask if there's anyone else  
16 that is interested in making a public comment today, please let  
17 us know right now. Is there anyone else?

18 Okay. Don, hold on one second, and I will go ahead and  
19 finish my preliminary comments here. And I will also ask  
20 anyone -- if there's anyone else who wishes to speak after I  
21 give my preliminary comments. Okay? So just hold on one  
22 second.

23 If you are undecided at this time but you change your mind  
24 during the hearing and wish to make a comment, I will give you  
25 an opportunity to make a public comment after everyone on this

1 list has spoken.

2 Before we begin, I want to ask everyone to press their  
3 respective mute buttons to minimize unintended background  
4 noises. Press unmute when you wish to speak, and please make  
5 sure to state your name before you begin speaking for our  
6 hearing reporter. At this point in time, we have one speaker  
7 on our list. So we know who that would be, and I'll just call  
8 Don in a second.

9 Okay. Why don't we get started. Thank you for  
10 participating in today's conference call. Again, my name is  
11 John Cortes. I'm an Industrial Relations counsel for the  
12 Division of Workers' Compensation. This is our notice of  
13 conference call public hearing for the evidence-based update to  
14 the Medical Treatment Utilization Schedule, also known as the  
15 MTUS. The Division is proposing to make an evidence-based  
16 update to the MTUS by adopting the American College of  
17 Occupational and Environmental Medicine or ACOEM's Coronavirus  
18 (COVID-19) Guideline.

19 Now I'd like to take a moment to introduce the other  
20 DWC-DIR staff members on this conference call today. As I've  
21 mentioned, I'm joined by Maureen Gray, the Division's  
22 Regulations Coordinator. Also on the call is George Parisotto,  
23 the DWC's Administrative Director. And I'm not sure if Dr. Ray  
24 Meister has joined us. He had informed me, before I opened the  
25 meeting, that he was having some technical issues.

1           So if Dr. Raymond Meister has joined us -- Ray, have you  
2 joined us?

3           DR. MEISTER: Yes. Hi, John. Good morning. I was able  
4 to join. Thanks.

5           MR. CORTES: Okay. So Dr. Meister is also on the  
6 conference call public hearing.

7           And, finally, our hearing reporter today is Veronica  
8 Iglesias.

9           Okay. The purpose of this hearing is to receive comments  
10 on the proposed amendment to the regulations, and we welcome  
11 any comments you have about them. Please note we will not ask  
12 questions, respond to or discuss anyone's comments although we  
13 may ask for clarification or ask you to elaborate further on  
14 any points that you are presenting. All of your comments, both  
15 given verbally here today and those submitted in writing, will  
16 be considered in determining what revisions, if any, we make to  
17 the proposed regulations. Please restrict the subject of your  
18 comments to the proposed regulations.

19           We usually ask that you limit your comments to three  
20 minutes in length. However, since only one person so far has  
21 signed up to speak, we will allow you to speak without the  
22 normal three-minute time limit. I will call the name or names  
23 of those who have indicated they wish to comment today, and I  
24 apologize in advance if I mispronounce anyone's name.

25           All testimony today will be taken down by the hearing

1 reporter. Our hearing reporter has the green light to seek  
2 clarification of any word or phrase or request a speaker to  
3 slow down, if need be.

4 When everyone on this list has had a chance to make their  
5 public comment, I will check to see if anybody new has joined  
6 our call who wants to speak or if anybody else has additional  
7 comments. This hearing will continue for as long as there are  
8 people on this call who wish to comment on the proposed  
9 regulations, but it will close at 5:00 o'clock this afternoon,  
10 if it goes that long. If the hearing continues into the lunch  
11 hour, we will also take at least an hour break.

12 Finally, all written comments can be submitted by fax at  
13 the following number, area code (510)286-0657, or to the  
14 following e-mail address, [dwcrules@dir.ca.gov](mailto:dwcrules@dir.ca.gov). That's all  
15 lower case. I'll repeat that: [dwcrules@dir.ca.gov](mailto:dwcrules@dir.ca.gov). Written  
16 comments submitted by fax or by e-mail will be accepted until  
17 midnight tonight. Okay?

18 For those who do not wish to speak today but want to be  
19 notified of any subsequent changes or of the final adaptation  
20 of the MTUS evidence-based update, please provide your complete  
21 name and e-mail address to the same address mentioned above.  
22 Again, the e-mail address is [dwcrules@dir.ca.gov](mailto:dwcrules@dir.ca.gov), all lower  
23 case. Any notice of changes in the final notice to the  
24 evidence-based update to the MTUS will be sent to everyone who  
25 requests that information.

1 With that, let me go ahead and call our first speaker, Don  
2 Schinske, to go ahead and give his comments.

3 Don.

4 DON SCHINSKE

5 Great. Thank you.

6 Once again, this is Don Schinske on behalf of the Western  
7 Occupational and Environmental Medical Association. We are the  
8 regional component for ACOEM. We certainly endorse the  
9 adoption of this chapter. Maybe more importantly, we  
10 appreciate the Division's continued support for the underlying  
11 philosophy of using evidence-based medicine.

12 To that -- to that end, the evidence isn't all in on COVID  
13 yet as we all know. And so maybe going forward, there's some  
14 value in thinking of this particular chapter and this  
15 particular part of MTUS as an evolving piece, maybe unlike a  
16 treatment for, you know, the elbow or the shoulder where much  
17 of the evidence is already in.

18 Again, I support the adoption of the chapter, and thank  
19 you for your work.

20 MR. CORTES: Thank you, Don.

21 Is there anyone else who wishes to provide a comment  
22 today? Let me give this a second or two. And let me also  
23 remind anyone who wishes to submit a written comment they can  
24 do so either by fax or by the e-mail -- through the e-mail  
25 address that I've given earlier. Again, last chance. I'm



1 going to ask if there's anyone else who wishes to make a public  
2 comment on our coronavirus COVID-19 MTUS update.

3 Okay. Well, since we do not have anyone else who wishes  
4 to make a verbal comment today, the time is now 10:13, and this  
5 public hearing is now closed. And, again, a reminder. If you  
6 want to submit a written comment, you can. Thank you so much.

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8 (The proceedings adjourned at 10:13 A.M.)

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**REPORTER'S CERTIFICATE**

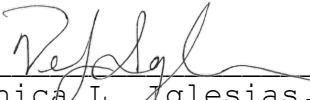
I, Veronica L. Iglesias, the undersigned Official Hearing Reporter for the State of California, Department of Industrial Relations, Division of Workers' Compensation, do hereby certify:

That the foregoing transcript of the telephonic proceedings was taken down stenographically by me to the best of my ability;

Said transcript was transcribed via computer-aided transcription;

The foregoing transcript is a true, complete, and accurate transcription of the proceedings taken by me in shorthand in the matter and on the date set forth on the first page hereof.

Signed and dated at San Bernardino, California, this 17th day of May, 2021.

  
\_\_\_\_\_  
Veronica L. Iglesias, C.S.R. 9441  
Official Hearing Reporter  
Of the State of California  
Workers' Compensation Appeals Board