

**State of California
Office of Administrative Law**

In re:
Division of Workers' Compensation

Regulatory Action:

Title 08, California Code of Regulations

Adopt sections:

Amend sections: 9792.23.4, 9792.24.7

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

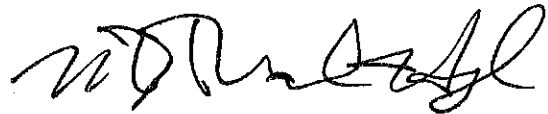
OAL Matter Number: 2023-0925-01

OAL Matter Type: File and Print Only (FP)

This file and print action by the Division of Workers' Compensation (Division) of the Department of Industrial Relations amends two sections in title 8 of the California Code of Regulations to make evidence-based updates to the Medical Treatment Utilization Schedule (MTUS) pursuant to Labor Code section 5307.27. The updates relate to the Hand, Wrist, and Forearm Disorder Guideline.

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

Date: November 2, 2023



Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: George Parisotto, Administrative
Director

Copy: Nicole L. Richardson

FILE PRINTSee instructions on
reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|---|---------------------------------|---|-------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER 2023-0925-01 | EMERGENCY NUMBER FP |
| For use by Office of Administrative Law (OAL) only | | | |
| NOTICE | | REGULATIONS | |
| AGENCY WITH RULEMAKING AUTHORITY Division of Workers' Compensation within the Department of Industrial Relations | | | AGENCY FILE NUMBER (If any) |

ENDORSED - FILED
in the office of the Secretary of State
of the State of California**NOV 02 2023**

1:50 PM

OFFICE OF ADMIN. LAW
2023 SEP 25 AM 10:40**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) 2023-0705-01; 2021-0526-02; 2019-0329-01 |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | per agency request 11/2/2023 (TR) |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT |
| | AMEND 9792.23.4; 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"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <input checked="" type="checkbox"/> File & Print |
| | <input checked="" type="checkbox"/> Other (Specify) <u>pursuant to Labor Code 5307.27(a)</u> |
| <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) | <input type="checkbox"/> Print Only |
| 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) <u>November 10, 2023</u> |
| 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"/> Other (Specify) | <input type="checkbox"/> State Fire Marshal |
| 7. CONTACT PERSON Nicole Richardson | TELEPHONE NUMBER 510-286-0656 |
| FAX NUMBER (Optional) 510-286-0671 | E-MAIL ADDRESS (Optional) nrichardson@dir.ca.gov |

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

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

NOV 02 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**

§ 9792.23.4. Hand, Wrist, and Forearm Disorders Guideline.

The Administrative Director adopts and incorporates by reference the Hand, Wrist, and Forearm Disorders Guideline (ACOEM ~~January 7, 2019~~ June 28, 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. COVID-19 Guideline.

The Administrative Director adopts and incorporates by reference the COVID-19 Guideline (~~March 6, 2023~~ June 28, 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.