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

PUBLIC HEARING
(via Zoom)

Friday, March 14, 2025
Elihu Harris State Office Building Auditorium
1515 Clay Street
Oakland, California

Nicole Richardson
Attorney for Division of Workers' Compensation

George Parisotto
Administrative Director

Raymond Meister
Medical Director

Ted Richards
Chief Counsel

Farai Alves
Assistant Chief Counsel

Maureen Gray
Division Regulations Coordinator

DIR Official Reporter: Anna M. Mulderrig

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1 (Time Noted: 10:03 a.m.)

2 DIVISION ATTORNEY RICHARDSON: Good morning, everyone. My
3 name is Nicole Richardson. I'm an attorney for the Division of
4 Workers' Compensation. Before we begin today's Zoom public
5 hearing, I'd like to inform everyone that this is being
6 recorded.

7 This is our noticed conference hearing --

8 (Interruption.)

9 DIVISION ATTORNEY RICHARDSON: Once again, this meeting is
10 recorded --

11 (Interruption.)

12 DIVISION ATTORNEY RICHARDSON: We are here today for a
13 conference call and Zoom public hearing with regards to the
14 Evidence Based Adoption of the Medical Treatment Utilization
15 Schedule. The Division is proposing to make updates to the
16 Medical Treatment Utilization Schedule as contained in title 8
17 California Code of Regulations sections 9792.24.2 and
18 9792.24.8.

19 I'd like to take a moment to introduce the other DWC
20 staff members on the line today. We have George Parisotto, the
21 DWC Administrative Director; Raymond Meister, the Medical
22 Director; Ted Richards, the Chief Counsel; Farai Alves, the
23 Assistant Chief Counsel; and Maureen Gray, the Division's
24 Regulations Coordinator. We also have two court reporters here
25 on the call today who are working to make sure that we have --

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(Interruption.)

DIVISION ATTORNEY RICHARDSON: Make sure that --

(Interruption.)

DIVISION ATTORNEY RICHARDSON: We have two court reporters on the call today who are making sure that everything is taken down and recorded for this hearing.

The purpose of this hearing is to receive comments on the proposed adoption to the Cannabis Guideline and amendment to the Chronic Pain --

(Interruption.)

DIVISION ATTORNEY RICHARDSON: So we are having some difficulties at this time. I'm going to take a moment to see what I can do to resolve this.

(Two minute pause in proceedings.)

DIVISION ATTORNEY RICHARDSON: Once again, we are here for a public hearing relating to the update and amendment to the Medical Treatment Utilization Schedule as contained in title 8 California Code of Regulations section 9792.24.2 and 9792.24.8.

The purpose of this hearing is to receive comments on the proposed adoption of the Cannabis Guideline and amendment to the Chronic Pain Guideline as set forth in regulation sections 92 -- I'm sorry, as set forth in regulation sections 9792.24.2 and 9792.24.8. We welcome any comments you have. Please note, we will not question, respond to, or discuss anyone's comments, although we may ask for clarification or ask

1 you to elaborate further on any points that you are presenting.
2 All of your comments, both given personally here today and
3 those submitted in writing, will be considered in determining
4 what revisions, if any, we make to the proposed regulations.

5 If you would like to speak during this hearing, please
6 send a chat to myself, Nicole Richardson, with your full name,
7 the organization you are affiliated with, if any, and contact
8 information. If you are calling in for this meeting or are
9 unable to send a chat, please e-mail to DWCRules@dir.ca.gov.
10 In the e-mail, please include your full name and phone number
11 and any affiliation. We will call on you in the order we
12 receive your request. Please also include the words "Request
13 to Speak" in the subject line of your e-mail. Be sure to
14 include in the e-mail the last four digits of your telephone
15 number that you are using today so that we are able to identify
16 you.

17 Maureen Gray, DWC's Regulations Coordinator, is taking
18 attendance. Please send an e-mail to, once again,
19 DWCRules@dir.ca.gov or a chat to Maureen Gray with your full
20 name, the organization you are affiliated with, if any, contact
21 information in case we need to provide you with any updates.
22 We prefer an e-mail address, but if you do not have one -- an
23 e-mail address, your phone number or mailing address would be
24 fine.

25 Again, I would like to remind people to please be --

1 (Interruption.)

2 DIVISION ATTORNEY RICHARDSON: I will call on the names of
3 those who have indicated they wish to speak and the order in
4 which we receive them. I apologize in advance if I
5 mispronounce anyone's names. All oral comments given today
6 will be taken down by the hearing reporter. So please speak
7 clear and please pronounce your name when you first begin to
8 speak. Also, please make sure that you update your name on
9 your zoom here so that way we have your name for attendance
10 purposes as well as send an e-mail to DWC Rules to make sure
11 that you are included in our attendance.

12 When everyone on the list has had a chance to make
13 their public comment, I will check to see if anyone new has
14 joined and wishes to speak or if anyone else has additional
15 comments. This hearing will continue for as long as people are
16 on the line who wish to comment on the proposed regulations,
17 but it will close at five o'clock this afternoon. If the
18 hearing continues into the lunch hour, we will take at least a
19 one hour break. If there is time at the end of the succession
20 of speakers and anyone who was cut off, because I will be
21 giving everyone a five minute time limit, you will receive five
22 minutes to speak with a one minute warning. If you are cut off
23 and there's time at the end of the succession of speakers, you
24 will be given a chance to speak again.

25 Finally, all written comments can be submitted by fax

1 at the following number (510) 286-0657 or to the following
2 e-mail address, once again, DWCRules@dir.ca.gov. Written
3 comments submitted by fax or e-mail will be accepted until
4 midnight tonight.

5 For those who do not wish to speak today but want to
6 be notified of any subsequent changes or of the final adoption
7 of the Medical Treatment Utilization Schedule, please provide
8 your complete name and e-mail address to the same address
9 mentioned previously DWCRules@dir.ca.gov. Any notice of
10 changes and the final Notice of Amendment to the Medical
11 Treatment Utilization Schedule will be sent to everyone who
12 requests that information.

13 So once again, if you would like to speak today,
14 please go ahead and send a chat to myself and I will start
15 calling on names.

16 And the first one we have is Dale. I'm trying to find
17 you on the list here, Dale. Oh, I see him.

18 --oOo--

19 **DALE GIERINGER**

20 MR. GIERINGER: Hello, yeah. Dale Gieringer here with
21 California NORML, the national organization for reform of
22 marijuana laws. I just wanted to say that the recommendation
23 concerning cannabis and chronic pain is a step entirely in the
24 wrong direction and can -- flies in the face of an enormous
25 amount of evidence that, in fact, cannabis is really effective

1 for many cases of intractable pain, especially neuropathic
2 pain, and can dramatically reduce opioid use and use of other
3 prescription painkillers, and thereby actually save a lot of
4 money for workers' comp or medical costs in general.

5 Let me say, I reviewed that ACOEM report that makes
6 this recommendation that Cannabis should not be recommended,
7 and I was really struck by the fact that it really contained
8 very little information about the medical use of cannabis. It
9 seemed specifically directed at recreational use of cannabis in
10 the workplace, which is, of course, a -- problematic, but it
11 did not address the important question of medical cannabis
12 under a doctor's care to treat chronic pain from -- from
13 injuries, and there -- there is just substantial evidence
14 that -- as to the effectiveness of cannabis.

15 I would point, first of all, to the National Academy
16 of Sciences, which did an exhaustive study of cannabis and
17 cannabinoids a couple -- few years ago and concluded that, in
18 fact, cannabis was effective. It was good evidence that
19 cannabis was effective in reducing chronic pain, but I would
20 point especially to the findings of the California Center for
21 Medicinal Cannabis research in San Diego, state sponsored a
22 research organization named specifically looking at the medical
23 use of cannabis. It was established following California's
24 adoption of our medical marijuana law, and one of the first
25 studies they did, in fact, some half a dozen of the first

1 studies they do -- did had to do with cannabis and chronic
2 pain. And they found, back in 2012 and before, that, in fact,
3 in their studies cannabis was delivering pain relief for --
4 especially for neuropathic pain and other kinds of pain that
5 were intractable often to use of opiates. And I believe that
6 the CMCRC sent written testimony to this Division here saying,
7 in fact, that the recommendation of the ACOEM is backwards and
8 that cannabis should be recommended Category C for treatment of
9 chronic pain.

10 I can tell you we have received literally hundreds of
11 stories from patients over the years at California NORML about
12 this sort of thing, about patients who come and tell us that
13 they have been able to vastly reduce or even eliminate their
14 use of opiates. I can tell you also that, you know, the a --
15 there are over a hundred and twenty published studies that
16 indicate that cannabis is effective for chronic pain and can
17 reduce use of opioids. The ACOEM study, I noticed, didn't seem
18 to. I listed, I think, twelve references to cannabis and
19 chronic pain. I mean, that's -- they ignored over a hundred
20 different studies that are out there.

21 So I think the ACOEM's recommendations are really
22 ill-informed in this regard. And I -- I would close by noting
23 that other states -- at least six other states do compensate
24 medical cannabis for chronic pain in their workers' comp
25 programs. And I would refer you specifically to Colorado

1 which, I think, has just recently conducted its own study of
2 this particular issue and found, yes, indeed, cannabis was
3 effective in treating chronic pain and reducing opioid abuse in
4 their workers' comp population. So for that reason, I hope
5 that you will reconsider the ACOEM study regarding cannabis and
6 chronic pain. Thank you.

7 DIVISION ATTORNEY RICHARDSON: Thank you, Dale. We're now
8 going to call on Sarah.

9 **SARAH ARMSTRONG**

10 MS. ARMSTRONG: Good morning. I am Sarah Armstrong. I
11 represent the interests of Americans for Safe Access, both in
12 Los Angeles and Ventura County, as well as being a California
13 legislative coordinator. Founded in 2002, we are the nation's
14 oldest, largest national organization for medical marijuana
15 patients and their supporters, as well as a healthy swath of
16 scientists, advocates, and other adherents. We would like to
17 ask you to sincerely reconsider. We don't feel this data that
18 you're basing your findings on, and we concur with Dale's
19 remarks, is that best path forward? We don't feel that it
20 considered the expertise of bona fide scientists, medical
21 cannabis doctors. There seemed to be no outreach to any
22 patients who might have benefited from the use of medical
23 cannabis and going forward in California, which founded -- had
24 the first medical cannabis program. It would be wise to
25 reconsider, to cast a wider net, and make sure that your

1 findings are consistent with current science.

2 I know it's difficult for a government agency
3 sometimes to engage in this kind of research when they are not,
4 per se, a research organization, but precisely for that reason,
5 we feel you need to reconsider this. Patients all over the
6 country have benefited from medical cannabis in a variety of
7 ways, and to shut them out from the program that's specifically
8 designed to help them get through a very, very difficult period
9 of their life when they are injured such that they cannot work,
10 would seem to be not only cruel but short-sighted when you look
11 at the one study that showed that use of medical cannabis
12 reduces the length and the amount of workers' comp claims.

13 We have sent in our comment. We hope you will
14 consider very carefully and mostly open your hearts and your
15 minds to a larger swath of experts, patients, and those who
16 have benefited directly from the use of medical cannabis when
17 they are ill. Thank you.

18 DIVISION ATTORNEY RICHARDSON: Thank you, Sarah. Is there
19 anyone else that would like to speak today? Ellen. Here we
20 go.

21 **ELLEN KOMP**

22 MS. KOMP: Hi. Ellen Komp from California NORML. I just
23 wanted to say, following up on what Dale spoke about, I was
24 wondering why the ACOEM might have overlooked a lot of studies
25 that we look at very carefully at NORML regarding cannabis and

1 chronic pain and opiates, et cetera, and it didn't take much
2 digging for me to find troubling connections between this
3 organization and the workers' compensation insurance industry.
4 Also, the drug testing industry, their current vice-president
5 works for a workers' compensation provider. They offer
6 malpractice insurance to their members from someone who
7 offers -- a company that offers workers' compensation to the
8 health care industry and also to the cannabis industry, which
9 is interesting. What really is troubling is their Midwest
10 chapter campaigned against a law in New Jersey in 2002 which
11 would have required workers' compensation providers to cover
12 medical cannabis. In fact, they put the word medical in
13 quotes. That, to me, takes this organization out of the realm
14 of dispassionate scientists into some kind of advocacy
15 organization and I think you need to look at their
16 recommendations through that lens. I mean, you might think
17 that NORML -- of course, we are an advocacy organization, but I
18 can tell you that myself, who has a degree in biochemistry, and
19 Dale and Sarah also, we have a great respect for science and we
20 do try to look at it as dispassionately as possible, so I hope
21 that you would do the same. Thank you very much.

22 DIVISION ATTORNEY RICHARDSON: Thank you. Is there anyone
23 else that would like to speak today?

24 We will be receiving public comments til -- through
25 midnight tonight and the fax number -- let me see if I can find

1 it really quick -- (510) 286-0657, or the e-mail address at
2 DWCRules@dir.ca.gov. So written comments will be received
3 until midnight tonight. And I see no further comments. It is
4 now 10:23 and we are going to close this public hearing. Thank
5 you, everyone, for attending.

6 (The proceedings concluded at 10:23 a.m.)

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R E P O R T E R ' S C E R T I F I C A T E

I, Anna M. Mulderrig, the undersigned Official Hearing Reporter for the State of California, Department of Industrial Relations, Division of Workers' Compensation, do hereby certify that the foregoing is a full, true, and correct transcript of the proceedings taken by me in shorthand (page 3, line 1, through page 12, line 21, and with the aid of audio backup recording, on the date and in the matter described on the first page thereof.

Signed and dated at Fresno, California, this 17th day of March, 2025.



Anna M. Mulderrig
Official Hearing Reporter