

**State of California
Office of Administrative Law**

In re:
Division of Workers' Compensation

Regulatory Action:

Title 08, California Code of Regulations

Adopt sections: 9792.24.5

Amend sections: 9792.22

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

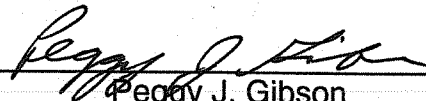
OAL Matter Number: 2018-1005-01

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 adopts one section and amends one section 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.

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

Date: October 30, 2018


Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: George Parisotto, Administrative
Director

Copy: John Cortes

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See 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 2018-1005-01FP	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p>NOTICE</p>	<p>REGULATIONS</p>
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ENDORSED - FILED

In the office of the Secretary of State of the State of California

OCT 30 2018

1:46p

2018 OCT -5 P 12:57
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY

Division of workers' compensation, within Dept 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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	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) 2015-0306-01 S; 2016-0615-03; 2017-1128-01
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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 9792.24.5
	AMEND 9792.22
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) <i>pursuant to Labor Code 5302.27(a)</i>	

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) October 31, 2018

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 John Cortes	TELEPHONE NUMBER 510-286-0519	FAX NUMBER (Optional) 510-286-0687	E-MAIL ADDRESS (Optional) jcortes@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 10/3/18
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

OCT 30 2018

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 Practice Guidelines, 2nd Edition (2004), Chapter 1).~~ Prevention (ACOEM May 1, 2011).

(2) ~~General Approach to Initial Assessment and Documentation (ACOEM Practice Guidelines, 2nd Edition (2004), Chapter 2).~~ General Approach to Initial Assessment and Documentation (ACOEM July 25, 2016).

(3) Initial Approaches to Treatment (ACOEM June 30, 2017).

(4) ~~Cornerstones of Disability Prevention and Management (ACOEM Practice Guidelines, 2nd Edition (2004), Chapter 5).~~ Cornerstones of Disability Prevention and Management (ACOEM May 1, 2011).

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.

§ 9792.24.5. Traumatic Brain Injury Guideline.

The Administrative Director adopts and incorporates by reference the Traumatic Brain Injury Guideline (ACOEM November 15, 2017) 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.



AMERICAN COLLEGE OF
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Prevention

Effective Date: May 1, 2011

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ACOEM acknowledges the following organization and their representative who served as a reviewer of the Prevention chapter. Their contributions are greatly appreciated. By listing the following individuals or organizations, it does not infer that these individuals or organizations support or endorse the final Prevention chapter developed by ACOEM.

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AMERICAN COLLEGE OF
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General Approach to Initial Assessment and Documentation

Effective Date: July 25, 2016

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The American Occupational Therapy Association, Inc.

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AMERICAN COLLEGE OF
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Cornerstones of Disability Prevention and Management

Effective Date: May 1, 2011

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ACOEM acknowledges the following organizations and their representatives who served as reviewers of the Cornerstones of Disability Prevention and Management chapter. Their contributions are greatly appreciated. By listing the following individuals or organizations, it does not infer that these individuals or organizations support or endorse the final Cornerstones of Disability Prevention and Management chapter developed by ACOEM.

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AMERICAN COLLEGE OF
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TRAUMATIC BRAIN INJURY

Effective Date: November 15, 2017

Available online at: <https://new.mdguidelines.com/Resources/ACOEM-Practice-Guidelines/Disorders/Traumatic-Brain-Injury>

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