



California Workers' Compensation Institute

1333 Broadway - Suite 510, Oakland, CA 94612 • Tel: (510) 251-9470 • Fax: (510) 763-1592

September 21, 2017

VIA E-MAIL – dwcrules@dir.ca.gov

Maureen Gray, Regulations Coordinator
Division of Workers' Compensation, Legal Unit
P.O. Box 420603
San Francisco, CA 94142

Re: 2nd 15-Day Comment on Proposed Modified MTUS Drug Formulary Regulations

Dear Ms. Gray:

On behalf of its members, California Workers' Compensation Institute supports the latest proposed revisions to the Drug Formulary regulations. The Institute members include insurers writing 83% of California's workers' compensation premium, and self-insured employers with \$65B of annual payroll (30% of the state's total annual self-insured payroll).

Insurer members of the Institute include AIG, Alaska National Insurance Company, Allianz Global Corporate and Specialty, AmTrust North America, Berkshire Hathaway, CHUBB, CNA, CompWest Insurance Company, Crum & Forster, EMPLOYERS, Everest National Insurance Company, The Hartford, ICW Group, Liberty Mutual Insurance, Pacific Compensation Insurance Company, Preferred Employers Insurance, Republic Indemnity Company of America, Sentry Insurance, State Compensation Insurance Fund, State Farm Insurance Companies, Travelers, XL America, Zenith Insurance Company, and Zurich North America.

Self-insured employer members include Adventist Health, BETA Healthcare Group, California Joint Powers Insurance Authority, California State University Risk Management Authority, Chevron Corporation, City and County of San Francisco, City of Torrance, Contra Costa County Schools Insurance Group, Costco Wholesale, County of Alameda, County of Los Angeles, County of San Bernardino Risk Management, County of Santa Clara, Dignity Health, Foster Farms, Grimmway Farms, Kaiser Permanente, Marriott International, Inc., Pacific Gas & Electric Company, Safeway, Inc., Schools Insurance Authority, Sempra Energy, Shasta County Risk Management, Shasta-Trinity Schools Insurance Group, Southern California Edison, Special District Risk Management Authority, Sutter Health, University of California, and The Walt Disney Company.

Comments:

The Institute recommends correcting a minor typographical error in 9792.27.2 (a): there is an errant “7” immediately preceding “presumption” that was not in the prior draft; the Institute recommends removing it.

The Institute finds the revisions concerning physician dispensing (9792.27.8 and 9792.27.9) and compounded drugs (9792.27.10) of particular benefit. These changes provide much-needed clarification, averting unnecessary disputes and friction costs.

Thank you for the opportunity to comment, and please contact us if additional information would be helpful.

Sincerely,

Denise Niber
Claims and Medical Director

DN/pm

cc: Christine Baker, DIR Director
George Parisotto, DWC Acting Administrative Director
Raymond Meister, M.D., Executive Medical Director
Jackie Schauer, DIR Counsel
CWCI Claims Committee
CWCI Medical Care Committee
CWCI Legal Committee
CWCI Regular Members
CWCI Associate Members