



California Workers' Compensation Institute

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September 9, 2020

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: Proposed Updates to the Medical Treatment Utilization Schedule (MTUS)

Dear Ms. Gray:

These comments on proposed updates to the Medical Treatment Utilization Schedule are presented on behalf of members of the California Workers' Compensation Institute (the Institute). Institute members include insurers writing 81% of California's workers' compensation premium, and self-insured employers with \$88B of annual payroll (36.1% 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, AXA XL Insurance, Berkshire Hathaway, CHUBB, CNA, CompWest Insurance Company, Crum & Forster, EMPLOYERS, Everest National Insurance Company, GUARD Insurance Companies, The Hanover Insurance Company, The Hartford, ICW Group, Liberty Mutual Insurance, North American Casualty Company, Pacific Compensation Insurance Company, Preferred Employers Insurance, Republic Indemnity Company of America, Sentry Insurance, State Compensation Insurance Fund, Travelers, WCF National Insurance Company, Zenith Insurance Company, and Zurich North America.

Self-insured employer members include Albertsons/Safeway, BETA Healthcare Group, California Joint Powers Insurance Authority, California State University Risk Management Authority, Chevron Corporation, City and County of San Francisco, City of Los Angeles, City of Pasadena, City of Torrance, Contra Costa County Risk Management, Costco Wholesale, County of Los Angeles, County of San Bernardino Risk Management, County of Santa Clara Risk Management, Dignity Health, East Bay Municipal Utility District, Foster Farms, Grimmway Farms, Kaiser Permanente, Marriott International, Inc., North Bay Schools Insurance Authority, Pacific Gas & Electric Company, 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.

The Division is proposing updates to the Medical Treatment Utilization Schedule (MTUS) that adopts the following guidelines:

- §9792.24.6 Antiemetics Guideline (ACOEM March 27, 2020)

The Institute supports updates to the Medical Treatment Utilization Schedule, ensuring that treatment for injured workers remains governed by evidence-based guidelines that are the most current available from ACOEM. However, the proposed Antiemetic Guideline does not appear to differentiate drugs that are appropriate for self-administration as opposed to drugs that are specifically intended to counteract the effects of chemotherapy. As such, we would recommend that the DWC provide greater clarification for the use of these drugs in the MTUS Drug formulary.

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

Sincerely,

Jackie Secia

Jackie Secia
CWCI Claims and Medical Director

JS/pm

cc: George Parisotto, DWC Administrative Director
Katrina Hagen, DIR Director
John G. Cortes, DIR Counsel
CWCI Claims Committee
CWCI Medical Care Committee
CWCI Regular Members
CWCI Associate Members