

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

PUBLIC HEARING

Thursday, July 23, 2020

(held via conference call)

John Cortes
Moderator
Industrial Relations Counsel

Yvonne Hauscarriague
Legal Unit's Chief Counsel

George Parisotto
Administrative Director

Maureen Gray
Regulations Coordinator

Dr. Raymond Meister
Executive Medical Director

Reported by: Angelica M. Cazarez

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Diane Przepiorski

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1 (Time Noted: 10:00 a.m.)

2 MR. CORTES: Okay. Good morning everyone. It's
3 about -- it's 10 o'clock. My name is John Cortes. I'm an
4 Industrial Relations Counsel for the Division of Workers'
5 Compensation. So before we begin today's conference call
6 public hearing, I want to inform everyone on this call that
7 this call is being recorded. I also want to ask if anyone
8 wishes to make a public comment today, that if you do, can
9 you please give us your full name, your first name and your
10 last name, the organization you are affiliated with, if any,
11 and contact information in case we need to provide you with
12 any updates. We do prefer an e-mail address but if you
13 don't have an email address your phone number or mailing
14 address would be fine. Maureen Gray, the
15 DW- -- DWC Regulations Coordinator who is also on this call
16 who will write down your information.

17 Okay. So does anyone wish to make a public comment
18 today? Go ahead and speak up, unmute, speak up and let
19 Maureen know that you're interested in speaking and she'll
20 take down your contact information. I'll give us a few
21 minutes.

22 MS. PRZEPIORSKI: John --

23 MS. CORTES: Yes.

24 MS. PRZEPIORSKI: -- this is -- this is Diane
25 Przepiorski with the California Orthopaedic Association. I

1 would just like to make a brief comment.

2 MR. CORTES: Okay. Maureen, did you get that?

3 MS. GRAY: Yes, I did. Thank you, John.

4 MR. CORTES: Okay. Diane, just one second. Okay.

5 We're just going to get a list of all the -- all the
6 speakers today.

7 MS. PRZEPIORSKI: Okay. Great.

8 MR. CORTES: Okay. So other than Diane, is there
9 anyone else who wishes to make a comment this morning?

10 Again, I'll just give this a second just in case
11 people are just joining us now.

12 What we are doing is we're taking down a list --
13 writing down the names of all the people who wish to make a
14 comment this morning. So if anyone wishes to make a
15 comment, go ahead and please speak up and provide us with
16 your name and the organization you're affiliated with.

17 Is there anyone else? Okay. For now I'm just
18 going to -- was that someone who wanted to put down their
19 name?

20 Okay. So if you are undecided at this time or
21 change your mind during the hearing and you wish to speak, I
22 will give you an opportunity to make a public comment after
23 everyone on this list and so far it's only been Diane has
24 spoken.

25 Okay. So before we begin, I want to ask everyone

1 to please press their respective mute buttons to minimize
2 unintended background noises, and press unmute when you wish
3 to speak, and please make sure to state your name before you
4 begin speaking for our hearing reporter who's transcribing
5 today's hearing.

6 Okay. So it is 10:04. Why don't we go ahead and
7 get started.

8 Thank you for participating in today's conference
9 call. Again, my name is John Cortes. I'm an Industrial
10 Relations Counsel for the Division of Workers' Compensation.
11 This is our noticed conference call public hearing for the
12 evidence-based updates to the Medical Treatment Utilization
13 Schedule also known as the M-T-U-S. The division is
14 proposing to make evidence-based updates to the M-T-U-S by
15 adopting the latest published version of the American
16 College of Occupational and Environmental Medicine or
17 ACOEM's Knee Disorders Guideline, Occupational/Work-Related
18 Asthma Guideline, Occupational interstitial Lung Disease
19 Guideline, and the Depressive -- and the Depressive
20 Disorders module of the Workplace Mental Health Guideline.

21 Now, I would like to take a moment to introduce the
22 other DWC staff on this conference call today. As I've
23 mentioned, I'm joined by Maureen Gray, the Division's
24 Regulations Coordinator. Also on the call is George
25 Parisotto, the DWC's Administrator Director. In addition,

1 we have Yvonne Hauscarriague, the DWC Legal Unit's Chief
2 Counsel, and finally joining us is Dr. Raymond Meister, the
3 DWC's Executive Medical Director. Our hearing reporter is
4 Angelica Cazarez.

5 So the purpose of this hearing today is to receive
6 comments on the proposed amendments to the regulations, and
7 we welcome any comments you have about them. Please note we
8 will not question, respond to, or discuss anyone's comments,
9 although we may ask for clarification or ask you to
10 elaborate further on any points that you are presenting.
11 All of your comments both given verbally here today and
12 those submitted in writing will be considered in determining
13 what revisions, if any, we make to the proposed regulations.

14 Please restrict the subject of your comments to the
15 proposed regulations. We usually ask that you limit your
16 comments to three minutes in length. However, since only
17 one person so far has signed up to speak, we will allow you
18 to speak without the normal time limit.

19 I will call the names of those who have indicated
20 they wish to testify today, and I apologize in advance if I
21 mispronounce anyone's name. All testimony today will be
22 taken down by the hearing reporter.

23 When everyone on this list has had a chance to
24 testify, I will check to see if anybody new has joined our
25 call who wants to testify or if anybody else has additional

1 comments. This hearing will continue as long as there are
2 people on this call who wish to comment on the proposed
3 regulations, but it will close at 5:00 o'clock this
4 afternoon.

5 I doubt it's going to last that long since we only
6 have one person so far who wishes to speak. If the hearing
7 continues into the lunch hour, again, we will take at least
8 an hour break.

9 Finally, all written comments -- all written
10 comments can be submitted by fax at the following number,
11 area code (510) 286-0657 or to the following e-mail address,
12 all lower case, and that is, dwcrules@dir.ca.gov. Written
13 comments submitted by fax or by e-mail will be accepted
14 until midnight tonight. So if you're interested in making a
15 comment you've got until midnight tonight to go ahead and do
16 that, a written comment, that is.

17 For those who do not wish to speak today but want
18 to be notified of any subsequent changes or of the final
19 adaptation of the M-T-U-S evidence-based updates, please
20 provide your complete name and e-mail address to the same
21 e-mail address I mentioned above, again, all lower case,
22 dwcrules@dir.ca.gov. Any notice of changes and the final
23 notice to the evidence-based updates to be M-T-U-S will be
24 sent to everyone who requests that information.

25 Okay. So, with that, let me go ahead and ask Diane

1 to go ahead and speak and provide your comments.

2 DIANE PRZEPIORSKI

3 Okay. Thank you, John. Good morning everyone.

4 My name is Diane Przepiorski, and I'm with the California
5 Orthopaedic Association, as you know, orthopedic surgeons
6 statewide. I appreciate the opportunity to make comments on
7 -- and the fact that the division is moving forward with
8 adopting updates to the ACOEM treatment guidelines. We
9 support the adoption of the updated guidelines, and really,
10 in this time of a lot of change, we're aware that ACOEM is
11 updating their guidelines more regularly, and we would just
12 urge the division to adopt those changes as soon as they are
13 available.

14 And -- and we know that some of the changes will be
15 reflective of the changes under the COVID-19, so that's why
16 we believe it's terribly important for the division to sort
17 of keep up with the ACOEM changes as they become available.
18 So really that's my comment for today.

19 And as I said, we really appreciate the division
20 moving forward with the formal process to adopt the changes.
21 Thank you.

22 MR. CORTES: Thank you, Diane. I also want to remind
23 everyone on this call, although the DWC has not yet formerly
24 adopted the ACOEM COVID-19 guidelines, those guidelines are
25 being amended and updated regularly. I mean, since April I

1 think -- I think they've been changed or updated about three
2 or four times now. So we're waiting for the evidence-base
3 to settle down with regards to COVID-19. And then once that
4 -- once the evidence-base settles down a little bit, then we
5 will go ahead and adopt the ACOEM COVID-19 guideline.

6 Okay. Is there anyone else who wishes to speak who
7 did not provide their names initially? I'll give this a
8 second. Go ahead and let us know now.

9 Again, I'm just giving this a second for anyone
10 who joined the call a little bit later, a little after
11 10:00 o'clock who wishes to speak other than Diane.

12 Okay. Well, if we do not have anyone else who
13 wishes to make a verbal comment today, I want to remind
14 everyone that the DWC is accepting written comments up until
15 midnight tonight. Again, you can provide the written
16 comments by fax or by e-mail. The fax number again is (510)
17 286-0657 or the e-mail address is again lower case,
18 dwcrules@dir.ca.gov.

19 And the time is now 10:13. If we don't have anyone
20 else who wishes to speak, then this public hearing is now
21 closed. And I thank you for participating.

22 (The proceedings adjourned at 10:13 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, Angelica M. Cazarez, Official Hearing Reporter for the State of California, Department of Industrial Relations, Division of Workers' Compensation, do hereby certify that the foregoing matter is a full, true and correct transcript of the proceedings taken by me in shorthand, and with the aid of audio backup recording, on the date and in the matter described on the first page thereof.

A handwritten signature in black ink, appearing to read 'Angelica M. Cazarez', is written over a horizontal line. The signature is stylized with a large loop at the end.

ANGELICA M. CAZAREZ,
Official Hearing Reporter
of the State of California,
Workers' Compensation Appeals Board

Dated: July 27, 2020

Los Angeles, California

/s/