

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

PUBLIC HEARING

Thursday, September 10, 2020

(Held via conference call)

John Cortes
Moderator
Industrial Relations Counsel

Yvonne Hauscarriague
Legal Unit's Chief Counsel

George Parisotto
Administrative Director

Dr. Raymond Meister
Executive Medical Director

Reported by: Sonia E. Garcia

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

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

16 So does anyone wish to make a public comment today?
17 Please let me know -- let us know. We're going to give this a
18 second. Again, does anyone wish to make a public comment
19 today? Okay. So far no one has indicated that they are going
20 to be giving a public comment today, but someone could change
21 their mind during the hearing and wish to speak, so I will give
22 everyone an opportunity to make a public comment. So after I
23 finish my comments, I will once again ask if anyone wishes to
24 make a public comment. Okay.

25 So before I begin, I want to ask everyone to press

1 their respective mute button to minimize unintended background
2 noises. Please press unmute when you wish to speak and please
3 make sure to state your name before you begin speaking for our
4 hearing reporter. Okay.

5 I'm going to go ahead and get started. Thank you for
6 participating today. Again, I'm John Cortes, an Industrial
7 Relations Counsel for the Division of Workers' Compensation.

8 This is our noticed conference call public hearing for
9 the evidence-based update to the Medical Treatment Utilization
10 Schedule, also known as the M-T-U-S. The Division is proposing
11 to make an "evidence-based update" to the MTUS by adopting the
12 American College of Occupational and Environmental Medicine, or
13 ACOEM's Anti-Emetics Guideline.

14 Now, I'd like to take a moment to introduce the other
15 DWC staff members on this conference call today. As I've
16 mentioned, I'm joined by Maureen Gray, the Division's
17 Regulations Coordinator; also on the call is George Parisotto,
18 the DWC's Administrative Director; in addition, we have Yvonne
19 Hauscarriague, the DWC Legal Unit's Chief Counsel; and,
20 finally, joining us is Dr. Raymond Meister, the DWC's Executive
21 Medical Director. Again, our hearing reporter is Sonia Garcia.

22 The purpose of this hearing is to receive comments on
23 the proposed amendment to the regulations, and we welcome any
24 comments you have about them. Please note, we will not
25 question, respond to, or discuss anyone's comments, although we

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

6 Please restrict the subject of your comments to the
7 proposed regulations. And usually we ask that you limit your
8 comments to three minutes in length. However, since it doesn't
9 appear that we have anyone yet who has signed up to speak, if
10 anyone wishes to speak, we will allow -- we will go ahead and
11 allow you to go beyond the normal three-minute time limit.

12 I will call the names of those who have indicated they
13 wish to testify today. If anyone does wish to testify, and I
14 apologize in advance if I mispronounce the names, all testimony
15 today will be taken down by the hearing reporter.

16 When everyone on this list has had a chance to make a
17 public comment, I'll check to see if anybody new has joined our
18 call who wants to speak or if anyone has additional comments.
19 This hearing will continue for as long as there are people who
20 wish to comment on the proposed evidence regulations, but it
21 will close at 5:00 o'clock this afternoon. It's likely not
22 going to go that long. All right. So if the hearing
23 continues, again likely not to go that long, if it continues
24 into the lunch hour, we will take an hour break.

25 Finally, all written comments can be submitted by fax

1 at the following number (510) 286-0657 or to the following
2 email address, all lower case, dwcrules@dir.ca.gov. Comments
3 submitted by fax or by email will be accepted until midnight
4 tonight.

5 So if you don't give a verbal comment today or during
6 this public comment hearing or -- hearing, then you can always
7 submit a comment by midnight tonight via fax or email. Those
8 who did not wish to speak today but want to be notified of any
9 subsequent changes or of the final adaptation of the update,
10 please provide your complete name and email address to the same
11 address mentioned above, again all lower case,
12 dwcrules@dir.ca.gov. Any notice of changes and the final
13 notice to the evidence-based update to the MTUS will be sent to
14 everyone who requests that information.

15 With that, does anyone wish to give a public comment
16 today? Again, I'm going to give this a second or two to see if
17 anyone on this phone call wishes to speak. Anyone? Is that
18 someone unmuting? Okay.

19 Well, if we do not have anyone who wishes to make a
20 verbal comment today, the time is 10:09, and this public
21 hearing is now closed. Thank you very much.

22 (Whereupon, the hearing concluded at 10:09 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, Sonia E. Garcia, 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 on the date and in the matter described on the first page thereof.

/S/ Sonia E. Garcia
SONIA E. GARCIA
Official Hearing Reporter
of the State of California,
Workers' Compensation Appeals Board

Dated: September 10, 2020
Whittier, California