| **MTUS EVIDENCE BASED UPDATES** | **RULEMAKING COMMENTS**  **30 DAY COMMENT PERIOD** | **NAME OF PERSON/ AFFILIATION** | **RESPONSE** | **ACTION** |
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| 9792.24.7  COVID-19 Guideline – Version posted on ACOEM’s website vs. the version posted on DWC’s regulatory page | Commenter states that the DWC proposes to update the MTUS by adopting the most recent update to the COVID-19 Guideline dated March 29, 2021. However, commenter notes a difference in the volume of pages for the COVID-19 guideline that is published and accessible on the ACOEM website compared to the copy of the COVID-19 guideline that is posted on the DWC website. The copy provided on ACOEM’s website is 196 pages in total, whereas the copy provided on the DWC’s website is 128 pages in total. Commenter opines that clarity is needed as to the DWC’s reasoning for providing a shortened version of the COVID-19 guideline and what criteria was reviewed in making that determination. | Andrea Guzman  Claims Regulatory Director  State Compensation Insurance Fund (SCIF)  May 14, 2020  Written Comment | Agree. The COVID-19 Guideline DWC is adopting into the MTUS is 128 pages whereas, the COVID-19 Guideline posted on the MDGuidelines webpage has 196 pages. The difference is the addition of the “Evidence for the Use of…” sections in the COVID-19 Guideline posted in the MDGuidelines webpage which elaborates on the individual studies used to support the treatment recommendations. Otherwise, the guidelines are word-for-word the same. There are no substantive differences and all treatment recommendations are identical. | None. |
| 9792.24.7  COVID-19 Guideline – Frequency of Updates | Commenter states that as health and safety guidelines continue to evolve concerning COVID-19, that it would be beneficial to know how frequently the DWC plans to update the MTUS in order to stay current with the changes. Commenter notes that ACOEM’s COVID-19 Guideline has been updated eight times since April 8, 2020. | Andrea Guzman  Claims Regulatory Director  State Compensation Insurance Fund (SCIF)  May 14, 2020  Written Comment | Agree. The ACOEM COVID-19 Guideline was initially published by ACOEM on April 8, 2020 and then was rapidly updated seven times to keep up with the evolving evidence base. DWC determined we could not finish all the necessary steps to complete rulemaking before an updated version was published. Note, we are required to have a 30-Day comment period and then the Office of Administrative Law has 30 working days to conduct a review of our rulemaking package. Therefore, we waited until the frequency of the updates had slowed to the point where the formal guideline process can be completed. Moving forward, we believe the pace of the evolving evidence base has slowed and DWC plans on updating the MTUS when ACOEM updates its COVID-19 Guideline. | None. |
| 9792.24.7  General Comment | Commenter supports this update 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. | Jackie Secia  CWCI Claims and Medical Director  California Workers’ Compensation Institute (CWCI)  May 14, 2021  Written Comment | Noted. | None. |
| 9792.24.7  General Comment | Commenter states that his organization represents the regional component for ACOEM and that he endorses the adoption of this chapter and that he appreciates the Division’s continued support for the underlying philosophy of using evidence-based medicine. Commenter opines that not all of the evidence is in on COVID-19 as of yet and that the information in this guideline will continue to evolve and be updated. | Don Schinske  Western Occupational and Environmental Medical Association  May 14, 2021  Oral Comment | Agree. The COVID-19 evidence base continues to evolve. (See above response regarding DWC’s planned updates to the MTUS COVID-19 Guideline.) | None. |