

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.29.1611 pertaining to ) PROPOSED AMENDMENT  
medical utilization and treatment )  
guidelines for workers' compensation )  
purposes )

TO: All Concerned Persons

1. On April 19, 2019, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing in conference rooms A and B of the Beck Building, 1805 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on April 12, 2019, to advise us of the nature of the accommodation that you need. Please contact Celeste Ackerman, Employment Relations Division, P.O. Box 8011, Helena, Montana 59604-8011; telephone (406) 444-6604; facsimile (406) 444-4140; Montana TTD (406) 444-5549; or e-mail celeste.ackerman@mt.gov.

3. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.29.1611 UTILIZATION AND TREATMENT GUIDELINES

(1) through (1)(c) remain the same.

(d) for medical services provided January 1, 2017 through December 31, 2017: "Montana Utilization and Treatment Guidelines, 4th edition, 2016"; ~~and~~

(e) for medical services provided ~~on or after~~ January 1, 2018 through June 30, 2019: "Montana Utilization and Treatment Guidelines, 5th edition, 2017-"; ~~and~~

(f) for medical services provided on or after July 1, 2019: "Montana Utilization and Treatment Guidelines, 6th edition, 2019."

(2) through (2)(b) remain the same.

(c) Thoracic Outlet Syndrome;

(d) remains the same.

(e) Chronic ~~Regional Pain Syndrome Disorder~~ Disorder;

(f) through (i) remain the same.

(j) Cumulative Trauma Conditions.

(3) The utilization and treatment guidelines adopted in (1) are to be read in conjunction with the Centers for Disease Control publications:

(a) "CDC Guideline for Prescribing Opioids for Chronic Pain – United States, 2016"; and

(b) 2018 edition of "Implementing the CDC Guideline for Prescribing Opioids for Chronic Pain."

(3) remains the same but is renumbered (4).

~~(4)~~ (5) All insurers shall routinely and regularly review claims to ensure that care is consistent with the Montana Guidelines adopted by reference in (1) and ~~(6)~~ (7).

(5) and (6) remain the same but are renumbered (6) and (7).

AUTH: 39-71-203, 39-71-704, MCA

IMP: 39-71-704, MCA

REASON: There is reasonable necessity to amend ARM 24.29.1611 in order to incorporate updated medical guidelines that appropriately reflect the state of the art for medical treatment and utilization for workers' compensation purposes.

4. Copies of the proposed 2019 publication identified as the proposed "Montana Utilization and Treatment Guidelines, 6th edition, 2019" is available and can be accessed at <http://erd.dli.mt.gov/work-comp-claims/medical-regulations>. Copies of the Centers for Disease Control publications proposed to be incorporated by reference can be accessed at: [https://www.cdc.gov/mmwr/volumes/65/rr/rr6501e1.htm?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fmmwr%2Fvolumes%2F65%2Frr%2Frr6501e1er.htm](https://www.cdc.gov/mmwr/volumes/65/rr/rr6501e1.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fmmwr%2Fvolumes%2F65%2Frr%2Frr6501e1er.htm) and <https://www.cdc.gov/drugoverdose/pdf/prescribing/CDC-DUIP-QualityImprovementAndCareCoordination-508.pdf>.

5. A printed version of the proposed 2019 publication is also available by contacting Celeste Ackerman at the address, e-mail, or telephone numbers listed in paragraph 2 of this notice.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Celeste Ackerman, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; fax (406) 444-4140; or e-mail to [celeste.ackerman@mt.gov](mailto:celeste.ackerman@mt.gov), and must be received no later than 5:00 p.m., on April 26, 2019.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices, and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1315 E. Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, or e-mailed to [mcadwallader@mt.gov](mailto:mcadwallader@mt.gov), or may be made by completing a request form at any rules hearing held by the agency.

8. An electronic copy of this notice of public hearing is available through the Secretary of State's web site at <https://sosmt.gov/arm/>. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that a person's difficulties in sending an e-mail do not excuse late submission of comments.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. Pursuant to 2-4-111, MCA, the department has determined that the rule changes proposed in this notice do not have a significant and direct impact upon small businesses.

11. The department's Office of Administrative Hearings has been designated to preside over and conduct this hearing.

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 19, 2019.