

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 24.29.1591 related to utilization) HEARING ON PROPOSED
and treatment guidelines for workers') AMENDMENT
compensation injuries)

TO: All Concerned Persons

1. On August 18, 2017, the Department of Labor and Industry (department) published MAR Notice No. 24-29-323 regarding the public hearing on the proposed amendment of the above-stated rule, at page 1362 of the 2017 Montana Administrative Register, Issue No. 16. A public hearing was scheduled in the notice and is being held on September 8, 2017, in Helena.

2. It was subsequently discovered that the proposal notice had not been sent to all interested persons as required by the Montana Administrative Procedure Act. Therefore, the department is issuing this amended notice of public hearing to schedule a second public hearing as shown below.

3. On October 2, 2017, at 9:00 a.m., a public hearing will be held in the basement auditorium of the Sanders Building (DPHHS building), 111 North Sanders Street, Helena, Montana, to consider the proposed amendment of the above-stated rule.

4. The Department of Labor and Industry (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 September 25, 2017, to advise us of the nature of the accommodation that you need. Please contact the Department of Labor and Industry, Attn: Maralyn Lytle, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; telephone (406) 444-6604; fax (406) 444-4140; Montana TTD (406) 444-5549; or e-mail mlytle@mt.gov.

5. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

24.29.1591 UTILIZATION AND TREATMENT GUIDELINES (1) through (1)(b) remain the same.

(c) for medical services provided ~~on or after~~ July 1, 2015 through December 31, 2016: "Montana Utilization and Treatment Guidelines, 3rd edition, 2015"; ~~and~~

(d) for medical services provided ~~on or after~~ 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: "Montana Utilization and Treatment Guidelines, 5th edition, 2017."

- (2) The Montana Guidelines consist of the following nine chapters and General Guideline Principles which are included at the beginning of each chapter:
- (a) through (f) remain the same.
 - (g) Complex Chronic Pain Disorder;
 - (h) through (5) remain the same.

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

REASONABLE NECESSITY: There is reasonable necessity to update the Montana Utilization and Treatment Guidelines to incorporate the changes to the lower extremities treatment guidelines which have recently been developed by the state of Montana. These updates are part of the annual review and update process for the Utilization and Treatment Guidelines. The updated guidelines have been reviewed by the department's advisory medical providers group, and their comments have been taken into account by the department.

6. A copy of the proposed 2017 publication identified as the "Montana Utilization and Treatment Guidelines, 5th edition, 2017" is available and can be accessed at: www.mtguidelines.com. A printed version of the proposed 2017 publication is also available by contacting Maralyn Lytle at the address, e-mail, or telephone numbers listed in paragraph 4 of this notice.

7. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Maralyn Lytle, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; telephone (406) 444-6604; fax (406) 444-4140; Montana TTD (406) 444-5549; or e-mail mlytle@mt.gov, and must be received no later than 5:00 p.m., on October 6, 2017.

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

9. 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. Lockett Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, e-mailed to mcadwallader@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

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

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Mark Cadwallader

Mark Cadwallader

Alternate Rule Reviewer

/s/ Pam Bucy

Pam Bucy, Commissioner

DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 28, 2017.