

# Workers' Comp Regulatory Activity

December 15, 2019 – February 1, 2020

---

## ARKANSAS

Reg ID: AK53772

**Issues:** Workers' Compensation Provider Fee Schedule

**Summaries:** The Board published in the register the new medical treatment and service fee schedule for workers compensation. For medical treatment or services provided by a physician, providers and payers shall follow the CMS and AMA billing and coding rules, including the use of modifiers. Reimbursement is based on the CMS relative value units found in the RBRVS and other CMS data. The relative value units and Alaska specific conversion factors represent the maximum level of medical and surgical reimbursement for the treatment of employment related injuries and/or illnesses that the Board deems to be reasonable and necessary. Providers should bill their normal charges for services.

The maximum allowable reimbursement is the maximum allowed amount for a procedure established by the rules, or the provider's usual and customary or billed charge, whichever is less, and except as otherwise specified.

**What Just Happened:** The Board published the new fee schedule in the register.

**What's Next:** The fee schedule is effective 1/1/2020.

**Links:** [Notice of 1/1/2020 fee schedule](#)

## CALIFORNIA

Reg ID: CA50320

**Issues:** Workers' Compensation Pharmacy Fee Schedule

**Summaries:** The Division is responsible for maintaining the workers' compensation fee schedule (i.e. "the Official Medical Fee Schedule") for physicians, ambulance fees and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS). The Division uses the Department of Health Care Services and the Medi-Cal Division fee schedule to make updates throughout the year. California's workers' compensation physician fee schedule is based on the resource-based value scaled (RBRVS) used in the Medicare Physician Fee Schedule.

**What Just Happened:** The Division has updated the 1/1/2020 updates for the Physician Services/Non-Physician Practitioner Services Official Medical Fee Schedule.

---

Note: This information is neither intended to be all-inclusive for the industry, nor for public redistribution. Please feel free to send your questions, comments, suggestions, and requests for further information to Coventry at [Regulatory@cvt.com](mailto:Regulatory@cvt.com).

The information which is provided herein and links to other related web sites are offered as a courtesy to our clients. All material is intended for information, communication and educational purposes only and is in no manner an endorsement, recommendation or approval of any information. Coventry Workers' Comp Services accepts no liability for the consequences of any actions taken on the basis of the information provided.

**What's Next:** Moving forward the 2020 updates will be monitored in CA54000 moving forward.

**Links:**

- [1/1/2020 Official Medical Fee Schedule for Physician Services](#)
- [2019 DMEPOS Fee Schedule Updates](#)
- [10/1/2019 Hospital Outpatient and Ambulatory Surgical Centers](#)
- [7/1/2019 and 10/1/2019 Official Medical Fee Schedule](#)
- [2/15/2019 MTUS Fee Schedule](#)
- [2/15/2019 Hospital Outpatient and Ambulatory Surgical Centers Fee Schedule](#)
- [1/1/2019 DMEPOS Fee Schedule Notice](#)
- [2019 Physician Services Fee Schedule Updates](#)
- [1/1/2019 Ambulance Fee Schedule](#)

## KENTUCKY

**Reg ID:** KY52759

**Issues:** Workers' Compensation Provider Issues

**Summaries:** The Division adopted new treatment guidelines and provides guidance to implement them. The rules provide practice parameters or evidence-based treatment guidelines for medical treatment for use by medical providers. This regulation adopts treatment guidelines for treatment provided for the cure of and relief of a work injury or occupational disease and provides guidance for its implementation and use. The new rule includes: (1) definitions; (2) purpose and adoption; (3) application; (4) preauthorization; and (5) effective dates.

**What Just Happened:** The Division submitted the rule to the Administrative Regulation Review Subcommittee (ARRS).

**What's Next:** The AARRS did not review the rule since comments were received and will not review the rule at its 1/13/2020 meeting. The Division must submit a response to the comments to the ARRS by 1/15/2020. Please note final rules are not published in the register.

**Links:**

- [Notice of removal from ARRS review and comments received \(pdf pg. 8\)](#)
- [Notice of ARRS review \(pdf pg. 7\)](#)
- [Notice of proposed rule \(pdf pg. 326\)](#)

## MONTANA

Reg ID: MT53129

**Issues:** Workers' Compensation Direction of Care

**Summaries:** The Department adopted amendments that update the drug formulary. Specifically, the Department adopted and incorporated by reference its formulary for: (1) prescriptions written between 1/1/2019 to 12/31/2019, the October 2018 edition of the Official Disability Guidelines Drug Formulary; and (2) for prescriptions written on or after 1/1/2020, the October 2019 edition of the Official Disability Guidelines Drug Formulary.

**What Just Happened:** The Department published notice of the final rule. The rule is effective 12/28/2019.

**Links:**

- [Notice of Final Rule](#)
- [Amended Notice of Hearing and Extension of Comment Period \(pdf pg. 42\)](#)
- [Notice of Proposed Rules \(pdf p. 1719-1720\)](#)

## NEW YORK

Reg ID: NY52286

**Issues:** Workers' Compensation Provider Fee Schedule

**Summaries:** The Board adopted several amendments to its regulations to add new providers to the fee schedule. The amendments address fees and coverage for acupuncture, physical therapy and occupational therapy services, behavioral health, chiropractic services, fees for attendance of chiropractors, nurse practitioner, licensed clinical social workers, and psychologists at hearings, and other provisions.

**What Just Happened:** The Board published notice of the final rule in the register.

**What's Next:** The rule is effective 1/1/2020.

**Links:**

- [Notice of final rule \(pdf pg. 25\)](#)
- [Notice of Proposed Rule \(pg. 32\)](#)

## NEW YORK

Reg ID: NY52573

**Issues:** Workers' Compensation Prescription Drug Formulary

**Summaries:** The Board adopted emergency amendments and proposed permanent amendments to the Workers' Compensation Prescription Drug Formulary. The rule adds drugs to the formulary in response to stakeholder feedback and incorporates the 8/7/2019 edition of the formulary into the state code of rules and regulations. The rule is meant to avoid confusion, litigation and provide guidance on situations where the prescription drug does not appear in the Medical Treatment Guidelines (MTGs) but still may be helpful in treating injured workers based on accepted standards of care.

**What Just Happened:** The Board published notice of the emergency adoption and notice of the proposed rule. The emergency rule is effective 11/4/2019 and will expire 2/1/2020.

**What's Next:** Comments on the proposed rule are due by 1/19/2020.

**Links:**

- [Notice of Adoption of Emergency Rule and Proposed Rule \(pg. 26\)](#)
- [Drug Formulary Website](#)
- [Notice of Proposed Rule \(pg. 24\)](#)

## OHIO

Reg ID: OH54175

**Issues:** Workers' Compensation Provider Fee Schedule

**Summaries:** The Bureau adopted an emergency rule which updates the professional provider medical services fee schedule. The rule changes the schedule effective date from 1/1/2019 to 1/1/2020. The emergency fee schedule establishes the reimbursement methodologies and coverage codes for approved medical services.

**What Just Happened:** The Bureau adopted an emergency fee schedule and published notice in the Register of Ohio. The rule is effective 12/31/2019 and will expire 4/30/2020.

**Links:** [Emergency Rule](#)

## VIRGINIA

Reg ID: VA53780

**Issues:** Workers' Compensation Provider Fee Schedule

**Summaries:** The Commission adopted amendments to a rule related to medical fee schedules. The amendments update the rule to reflect the 2020 medical fee schedules that will apply to medical services provided in workers' compensation cases from 1/1/2020 - 12/31/2021. Specifically, the amendments incorporate by reference the 2020 medical fee schedule, as well as the 2020 medical fee schedule ground rules.

**What Just Happened:** The Board published notice of the final exempt rule. The rule has an effective date of 12/25/2019. Please note that comment periods are not held on final exempt rulemakings.

**Links:** [Notice of Final Exempt Rulemaking](#)