

# Workers' Comp Regulatory Activity

April 15, 2020 – June 1, 2020

## ILLINOIS

Reg ID: IL57197

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

**Summaries:** The Commission issued notice of updated medical values for new codes in response to the COVID-19 public health emergency for worker's compensation.

The Commission provided an updated chart for medical fees to allow for services to be rendered via telemedicine.

The Commission defined synchronous telemedicine services as a real-time interaction between a physician or other qualified health care professional and a patient who is located at a distant site from the physician or other qualified health care professional.

**What Just Happened:** The Commission issued notice of the medical fee schedule updates in response to the COVID-19 public health emergency. The notice is effective 4/24/2020.

**Links:** [Final Notice](#)

## LOUISIANA

Reg ID: LA56647

**Issues:** Workers' Compensation Pharmacy

**Summaries:** The Office adopted an emergency rule to address the statewide public health emergency declared as the result of the imminent threat posed to Louisiana citizens by COVID-19,

§2901: The rule applies to any and all other workers' compensation insurance-related entities licensed by the commissioner or doing business in Louisiana and their insureds, policyholders, members, subscribers, enrollees, and certificate holders.

§2902: The rule will become effective on 3/19/2020 and will remain in effect until the stay-at-home order terminates or the maximum time period allowed for an emergency rule terminates.

§2903: The rule mandates workers' compensation insurers to allow insured individuals to obtain refills of their prescriptions even if the prescription was recently filled, consistent with approval from patients'

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health care providers and/or pharmacists. The regulation does not apply to prescription drugs with a high likelihood of abuse. The authorization will last for at least a thirty day and up to ninety-day supply with the appropriate approval.

§2904: The rule mandates all workers' compensation insurers to waive time restrictions on prescription medication refills, which include the suspension of electronic "refill too soon" edits to pharmacies, to enable insureds or subscribers to refill prescriptions in advance, if there are authorized refills remaining.

The rule mandates all workers' compensation insurers to authorize payment to pharmacies for at least a thirty day supply of any prescription medication, regardless of the date upon which the prescription had most recently been filled by a pharmacist, at any time when the state is declared to be under a state of emergency under certain conditions. The prescription may not be a schedule II medicinal drug and the medication must be essential to the maintenance of life or to the continuation of therapy in a chronic condition. In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort, or the dispensing pharmacist notifies the prescriber of emergency dispensing within a reasonable time after such dispensing. The rule allows the pharmacist to refill most medications, one time, with a thirty-day supply, even if the pharmacist cannot reach the patient's physician.

**What Just Happened:** The Office issued notice of an emergency rule. The emergency rule is effective 3/19/2020.

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

## OHIO

**Reg ID:** OH55637

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

**Summaries:** The Board adopted amendments to the workers' compensation payment and fee schedule rules. The adopted amendments apply to health care providers who provide services to individuals receiving workers' compensation.

4123-6-37.2: The adopted amendments update the reimbursement rates for payment of hospital outpatient services and update the effective date to 2020. The amendments also add a rule section regarding provider-based status which allow the Bureau to request information from any facility which bills the Bureau for services.

4123-6-37.3: The adopted amendments update the rule governing payment for ambulatory surgical center services and update the effective date to 2020.

4123-6-08: The amendments update the bureau fee schedule rule and update the effective date to 2020.

**What Just Happened:** The Bureau published notice of the final rules in the Ohio Register. The rules are effective 5/16/2020.

**Links:**

- [Final Rule Number 4123-6-08](#)
- [Final Rule Number 4123-6-37.3](#)
- [Final Rule Number 4123-6-37.2](#)
- [Public Hearing Notice](#)

## NEW YORK

**Reg ID:** NY52459

**Issues:** Workers' Compensation Provider Issues

**Summaries:** The Board has adopted amendments to the workers' compensation medical treatment guidelines. Specifically, the amendments update the rules relating to hip, groin, foot, ankle, and elbow injuries and occupational interstitial lung disease. The proposed amendments incorporate by reference the New York Hip/Groin, Foot/Ankle, Elbow, and Occupational Interstitial Lung Disease Medical Treatment Guidelines. The revised provisions modified the proposal of incorporation and now will reference the 3/18/2020 first editions of these publications, effective 7/1/2020. The final rule makes non-substantive changes to the revised proposed rules.

**What Just Happened:** The Board published notice of a final rule. The rule is effective 5/20/2020.

**Links:**

- [Final Rule \(Doc. Pg. 21\)](#)
- [Revised Proposed Rule \(Doc. Pg. 34\)](#)
- [Proposed Rule \(Doc. Pg. 50\)](#)

## NEW YORK

**Reg ID:** NY54302

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

**Summaries:** The Department readopted the emergency and has adopted proposed permanent rule addresses professional health services fee schedules. The updates are necessary to delay the effective date of new workers' compensation fee schedules for no-fault reimbursement. The new fee schedules will be effective 10/1/2020, which were previously scheduled to be effective 1/1/2020.

The Department updated the rule to reflect the Workers' Compensation Board adoption of amendments to its fee schedules for acupuncturists, physical therapists, occupational therapists, licensed clinical

social workers, and self-employed nurse practitioners. The amendments were initially made effective 1/1/2020, but an adoption on that date would not give these professionals time to adjust their internal billing systems to reflect the fee schedule change. As such, the Department delayed the effective date to 10/1/2020.

The Department has the statutory authority to make this emergency adoption and proposed rule-making in Financial Services Law, Sections 202 and 302, and Insurance Law, Sections 301, 2601, 5221 and Article 51.

**What Just Happened:** The Department has released notice of the final rule which is effective 4/22/2020.

**Links:**

- [Final Rule \(pdf pg. 21\)](#)
- [Readopted Emergency and Proposed Rule \(Pg. 12\)](#)
- [Emergency and Proposed Rule \(Pg. 17\)](#)

## UTAH

**Reg ID:** UT57245

**Issues:** State Responses to Coronavirus (COVID-19), Workers' Compensation Coverage

**Summaries:** The Commission adopted emergency amendments to a rule related to workers' compensation rules which discuss medical care. The amendments are intended to establish telemedicine reimbursement rates for medical providers that are treating injured workers, due to COVID-19 pandemic.

Specifically, the amendments update R612-300-1 which is entitled "Purpose, Scope and Definitions." The amendments add a definition of "telehealth" and state that it means "two-way, real-time interactive communication between the member and the physician or authorized provider at the distant site." Please note that this type of communication uses equipment that includes audio and visual equipment.

The amendments also update R612-300-4 which is entitled "General Method for Computing Medical Fees." The amendments state that, unless otherwise governed by contract, payers need to reimburse medical providers for telehealth services at the same rates as they would use for the same services being provided in-person. The amendments provide the CPT codes for physicians, physical therapists, and occupational therapists.

**What Just Happened:** The Commission published notice of the emergency rule in the 5/1/2020 Utah State Bulletin. The rule has an effective date of 4/13/2020.

**Links:** [Notice of Emergency Rule \(p. 90\)](#)

## WYOMING

Reg ID: WY54076

**Issues:** Workers' Compensation Coverage

**Summaries:** The Department has adopted an amendment to the rules which govern the coverage of miscellaneous medical protocols.

Specifically, the adopted amendment adds language relating to spinal cord stimulators. The revisions forbid the Department from covering neurostimulator procedures or any costs related to the placement or removal of any spinal cord stimulator. The amendment is in response to a Medical Commissions study which found that spinal cord stimulators "do not result in significant changes to patients" and are not clinically effective.

**What Just Happened:** The Department published notice of the final rule. The final rule is effective 4/16/2020.

**Links:**

- [Final Rule Text](#)
- [Proposed Rule](#)