

Workers' Comp Regulatory Activity

August 15, 2020 – October 1, 2020

CALIFORNIA

Reg ID: CA55523

Issues: Workers' Compensation Utilization Review

Summaries: The Department adopted evidence-based updates to the medical treatment utilization schedule (MTUS). The adopted evidence-based updates to the MTUS incorporate by reference the most recent American College of Occupational and Environmental Medicine's (ACOEM) guidelines. The following guidelines were incorporated: (1) Occupational Interstitial Lung Disease Guideline (ACOEM 11/8/2019), (2) Knee Disorders Guideline (ACOEM 12/3/2019), and (3) Workplace Mental Health Guideline: Depressive Disorders (ACOEM 2/13/2020).

What Just Happened: The Division adopted the updates through an order effective 9/21/2020.

Links:

- [Final Rule Text](#)
- [Final Rule Order](#)
- [7/23/2020 Public Hearing Notice](#)
- [Proposed Rule and Text Notice \(redline\)](#)

COLORADO

Reg ID: CO58685

Issues: Workers' Compensation Provider Fee Schedule

Summaries: The Division has adopted amendments to the rule regarding fee calculations for telemedicine.

Specifically, the amendments include:

- 1) Section 18-4 Telemedicine. This section amends healthcare services listed in Appendix P of CPT, by removing G0459, G0508, and G0500, and adding CMS' list of Covered Telehealth Services.

Additionally, this section adds that the maximum allowance is the appropriate CPT code's non-facility relative weight from RBRVS multiplied by the appropriate CF, unless only a facility weight is established.

What Just Happened: The Division published the final rule, effective 10/14/2020.

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@cvtv.com.

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Links:

- [Final Rule Text](#)
- [Proposed Rule Text \(redlined\)](#)
- [Tracking Notice](#)

MINNESOTA**Reg ID:** MN60546**Issues:** Workers' Compensation Provider Fee Schedule

Summaries: The Department adopted final exempt amendments to a rule related to the 2020 Adjustments to Relative Value Fee Schedule Conversion Factors. The amendments update the conversion factors for dates of service from 10/1/2020 to 9/30/2021. The amendments outline the conversion factors as follows:

(a) for medical/surgical services identified by procedure codes described in part 5221.4030, subpart 3: \$70.86;

(b) for pathology and laboratory services identified by procedure codes described in part 5221.4040, subpart 3: \$60.10;

(c) for physical medicine and rehabilitation services identified by procedure codes described in part 5221.4050, subpart 2d: \$58.68; and

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$50.70."

The amendments state that the changes to part 5221.4020, subpart 1b, are effective for services provided on or after 10/1/2020.

What Just Happened: The Department published notice of the final exempt rule in the Minnesota State Register. The rule has an effective date of 9/21/2020.

Links: [Notice of Final Exempt Rule \(redlined version\) \(doc. p. 302\)](#)

MISSISSIPPI

Reg ID: MS60212

Issues: Workers' Compensation Provider Fee Schedule

Summaries: The Commission adopted emergency amendments to a rule related to the workers' compensation medical fee schedule and telemedicine. The amendments allow for a greater range of providers to offer services and receive reimbursement in response to the pandemic.

Specifically, the amendments update the definition of telemedicine to state that it is the "practice of medicine using electronic communication, information technology, or other means between a physician, physician assistant, nurse practitioner, physical therapist, occupational therapist, speech therapist, psychiatrist, clinical psychologist, or dietitian in one location and a patient in another location with or without intervening health care provider." Please note that previously the rule only referenced a physician in this definition. The amendments add that this expanded set of professionals may only practice telemedicine in Mississippi if they have a valid Mississippi license.

What Just Happened: The Commission published notice of the emergency rule in the Mississippi Administrative Bulletin. The rule has an effective date of 8/31/2020.

Links: [Emergency Rule](#)

OKLAHOMA

Reg ID: OK54810

Issues: Workers' Compensation Electronic Communications

Summaries: The Commission has adopted rule amendments that would update definitions and requests for agency public information. The rule amendments impact persons filing workers' compensation claims electronically.

The updates include:

- 1) 810:1-1-2 Definitions section - adding "Electronic equivalent" which means: A Commission-approved means of filing an electronic form through the Commission's case system. In all cases where a party is required to mail a Commission form to the opposing party, a copy may be sent by electronic mail when an electronic mail address is known. In all cases where a paper form is required to be filed to affect a certain purpose, an electronic equivalent, if available, may also be filed to affect that purpose; and,
- 2) 810:1-1-6 Requests for agency public information - amending subsection (a1) by adding other than requests to access information on workers' compensation claims, all other requests shall be directed to the General Counsel.

What Just Happened: The Commission published notice of the final rule, effective 9/11/2020.

Links:

- [Final Rule Notice and Text](#)
- [Submission to the Governor and Legislature](#)
- [Redlined Proposed Rule Text \(pg. 1-4\)](#)
- [Proposed Rule Notice](#)

OREGON

Reg ID: OR58375

Issues: Workers' Compensation Provider Fee Schedule

Summaries: The Department adopted amendments to rules related to telehealth services scope and billing procedures. The amendments update a rule related to telehealth. The amendments provide a definition of telehealth which is as follows: "providing healthcare remotely by means of telecommunications technology, including but not limited to telemedicine and telephonic or online digital services." The amendments update the scope of services to state that all services must be appropriate and provided in the form of communication that is appropriate for the service being provided. Please note that medical services that are allowed to be provided through telemedicine are not limited to those listed in Appendix P of CPT 2020. The amendments also update specifics related to distant and originating site billing for telehealth.

The amendments revise a rule related to fee schedules and Appendix B, the physician fee schedule. The amendments increase maximum allowable payments for some types of telephone and digital evaluation and management services.

What Just Happened: The Department published notice of the final rules. The rules have an effective date of 9/21/2020.

Links:

- [Notice of Final Rules \(redlined version\)](#)
- [Notice of Proposed Rules \(redlined version\)](#)

SOUTH DAKOTA

Reg ID: SD58490

Issues: Workers' Compensation Provider Fee Schedule

Summaries: The Division adopted rule amendments which update the rules governing workers' compensation provider fee schedules. The adopted amendments apply to healthcare providers that seek reimbursement for services rendered to individuals receiving workers' compensation.

47:03:05:01: The rule amendments add the following terms to the rule definition section: 1) "relative values for physicians"; and 2) "relative values for dentists."

47:03:05:02: The rule amendments update the reference for relative values for physicians.

What Just Happened: The Division published notice of the final rule in the South Dakota Register. The rule is effective 10/14/2020.

Links:

- [Notice of Final Rule \(doc p. 42\)](#)
- [Adopted Rule](#)
- [Rulemaking Page](#)
- [Public Hearing Notice](#)
- [Notice of Proposed Rule](#)
- [Proposed Rule](#)

WASHINGTON

Reg ID: WA55895

Issues: Workers' Compensation Utilization Review

Summaries: The Department adopted amended rules addressing conversion factors and maximum daily fees. The rules apply to workers' compensation anesthesiologists, physical therapists, and occupational therapists.


Specifically, WAC 296-20-135 is amended and addresses conversion factors. The amendments update the conversion factor to \$3.57. The previous conversion factor was \$3.47.

Further, WAC 296-23-220 and WAC 296-23-230 addressing physical and occupational therapy, respectively, are amended. The amendments change the maximum daily rates to \$131.48. The previous maximum daily rates were \$127.70.

What Just Happened: The Department published notice of a final rule in the Register. The final rule is effective 10/1/2020.

Links:

- [Final Rule CR 103](#)
- [Revised Proposal CR 102](#)
- [Proposed Rule CR 102](#)
- [Departmental Discussion CR 101](#)

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