

Workers' Comp Regulatory Activity

February 15, 2020 – April 1, 2020

NEW YORK

Reg ID: NY52573

Issues: Workers' Compensation Prescription Drug Formulary

Summaries: The Board adopted final rule 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 in section 441.2 of Title 12 NYCRR. The rule is meant to avoid confusion, litigation and to 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 final rules in the Register. The rule is effective 2/12/2020.

Links:

- [Notice of Final Rule \(Pg. 38\)](#)
- [Notice of Adoption of Emergency Rule and Proposed Rule \(pg. 26\)](#)
- [Drug Formulary Website](#)
- [Notice of Proposed Rule \(Redline, Pg. 24\)](#)

NEW YORK

Reg ID: NY53755

Issues: Workers' Compensation Prescription Drug Formulary

Summaries: The Board adopted new rules updating the prescription drug formulary. The adopted new rule incorporates by reference the 11/20/2019 third edition of the Workers' Compensation Formulary, where the previous version of the rule incorporates by reference the 1/23/2019 first edition of the Workers' Compensation Formulary. This amendment was made to add special consideration guidance for drugs not included in the medical treatment guidelines (MTGs). The Board found statutory authority to adopt these rules in Workers' Compensation Law, sections 13-p, 117 and 142.

What Just Happened: The Board published notice of final rules in the Register. The rules are effective 2/19/2020.

Links: [Final Rule \(Pg. 24\)](#)

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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NEW YORK

Reg ID: NY55929

Issues: Workers' Compensation Prescription Drug Formulary

Summaries: The Board adopted emergency amendments and proposed rule amendments to its Prescription Drug Formulary. Specifically, the Board updates Section 441.2 of Title 12 NYCRR to reference the 3/3/2020 fourth edition of the New York Workers' Compensation Formulary. The previous version of the rule referenced the 11/20/2019 edition.

What Just Happened: The Board published notice of an emergency rule and a proposed rule. The emergency rule is effective 4/1/2020 and will expire 5/1/2020.

Links: [Emergency and Proposed Rule \(Pg. 33\)](#)

SOUTH CAROLINA

Reg ID: SC54355

Issues: Workers' Compensation Provider Fee Schedule

Summaries: The Commission made changes to the medical services provider manual prior to the effective date of the 2020 manual. The new Conversion Factor is \$50.30.

Additional changes include: (1) publisher's notice and overview and guidelines; (2) codes not values by CMS will be valued using a gap fill methodology provided by FAIR Health; (3) increased fees to a maximum of \$25; (4) the icon for Optum Modifier 51 Exempt codes has been removed; (5) MAPs in the rate tables for consultation codes; (6) amendments to pathology and laboratory services; (7) incorporation of biofeedback; (8) amendments to athletic training and muscle testing; (9) HCPCS G codes have been removed; (9) appendix B has been updated to delete codes that are not expressly flagged in the 2020 CPT manual as modifier 51 exempt. Please note the manual is only available for purchase. No proposed rules will be published in the register.

What Just Happened: The Commission released notice of the updated Medical Services Provider Manual. The changes go into effect 4/1/2020.

Links:

- [Notice of final 2020 provider's manual](#)
- [Fee schedule analysis documents](#)
- [Notice of comment period](#)