

Workers' Comp Regulatory Activity

January 15, 2020 – March 1, 2020

LOUISIANA

Reg ID: LA39713

Issues: Opioid Prescribing Guidelines

Summaries: The Commission adopted amendments to the chronic pain disorder medical treatment guidelines. The adopted guidelines specify how opioids should be used in the treatment of chronic pain and how specific chronic pain conditions should be treated, regardless of whether opioids are used. With respect to opioids, when considering opioid use for moderate to moderately severe chronic pain, a trial of opioids must be accomplished, and the patient must have failed other chronic pain management regimes. Physicians should complete the education recommended by the FDA, risk evaluation and mitigation strategies (REMS) provided by drug manufacturing companies

Notably, the amendments establish the specific injections which are to be considered reasonable treatment for patients with chronic pain when therapy is continuing, and specific indications are met. This includes epidural steroid injections and sacroiliac joint injection, amongst others. For epidural steroid injections, this may include caudal, transforaminal or interlaminar injections.

Further, the adopted amendments clarify what constitutes a non-operative therapeutic procedure and recommend acupuncture for subacute or chronic pain patients who are trying to increase function and/or decrease medication usage and have an expressed interest in this modality. It is also recommended for subacute or acute pain for patients who cannot tolerate NSAIDs or other medications.

What Just Happened: The Department published notice of the final rule in the Louisiana Register. The rule is effective 2/20/2020.

Links:

- [Final Rule \(pdf pp. 194-267\)](#)
- [Notice of Public Hearing \(pdf p. 1561\)](#)
- [Proposed Rule \(pdf pp. 1324-1398\)](#)
- [9/20/2018 Council Meeting Agenda](#)
- [Informational Website:](#)
- [Draft Rules:](#)

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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 rules are 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 \(Pg. 24\)](#)
- [Proposed Rule \(Pg. 26\)](#)

UTAH

Reg ID: UT53711

Issues: Workers' Compensation Provider Fee Schedule

Summaries: The Commission adopted amendments to a rule related to premium rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund. In Utah, workers' compensation insurance premiums include assessments to fund the Employer's Reinsurance Fund and the Uninsured Employers' Fund. The premium rates are a percentage of the total workers' compensation insurance premium income. The amendments update the premium rates for the 2020 calendar year. Specifically, the amendments increase the premium rate from .25% to 0.50% for the Uninsured Employers' Fund and decrease the premium rate from 2.0% to 1.5% for the Employers' Reinsurance Fund.

What Just Happened: The Commission published notice of the final rules in the 1/15/2020 Utah State Bulletin. Please note that, although the effective date in the notice is 12/23/2020, Staff confirmed that the effective date of the rules are actually 12/23/2019.

Links:

- [Notice of Final Rule \(p. 34\)](#)
- [Notice of Proposed Rule](#)