

# Workers' Comp Regulatory Activity

December 15, 2020 – February 1, 2021

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## MISSISSIPPI

Reg ID: MS60212

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

**Summaries:** The Commission re-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.

**WJH+WHN:** The new effective date is 12/24/2020.

**Links:**

- [Emergency rule re-adoption text](#)
- [Emergency Rule](#)

## MONTANA

Reg ID: MT61686

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

**Summaries:** The Department adopted amendments to the drug formulary in the Utilization and Treatment Guidelines for Workers' Compensation and Occupational Disease. The amendments adopt by reference: (1) prescriptions written between 1/1/2020 through 12/31/, the October 2019 edition of the ODG Drug Formulary; and (2) for prescriptions written on or after 1/1/2021, the October 2020 edition of the ODG Drug Formulary.

**WJH+WHN:** The Department published notice of the final rule in the register. The rule is effective 12/15/2020.

**Links:**

- [Final rule notice](#)
- [Proposed rule notice](#)

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## NORTH CAROLINA

Reg ID: NC57090

**Issues:** Workers' Compensation Network Issues

**Summaries:** The Department has adopted amendments to the rules for the processing and handling of the filings for workers' compensation claims. Specifically, the updates include:

- 1) Section 11 NCAC 23A .0108 Electronic Filings with the Commission; How to File. This section adds that employees and non-insured employers without legal representation may file all documents with the Commission via the Commission's Electronic Document Filing Portal or by sending the documents to the Clerk of the Industrial Commission;
- 2) 11 NCAC 23A .0302 Required Contact Information from Carriers. This section adds that all insurance carriers, third party administrators, and self-insured employers shall designate a primary contact person for workers' compensation issues to the Director of Claims Administration of the Commission through the Electronic Document Filing Portal (EDFP); and
- 3) 11 NCAC 23B .0104 Electronic Filings with the Commission; How to File. This section amends tort claims rules and adds that all filings to the Commission in tort claims shall be submitted electronically. Plaintiffs without legal representation may file all documents with the Office of the Clerk of the Commission through the EDFP or by sending the documents to the Clerk of the Industrial Commission via electronic mail.

Additionally, these updates amend the notices on the forms that are subject of these rules and are consistent with the changes.

**WJH+WHN:** The Department published notice of the final rule, effective 12/1/2020.

**Links:**

- [Final Rule Notice and Text \(doc. pg. 1467\)](#)
- [Proposed Rule Text \(redlined\) \(pg. 1849-1868\)](#)

## OHIO

Reg ID: OH59133

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

**Summaries:** The Bureau adopted emergency amendments which update the medical provider services fee schedule. The emergency amendments update the effective date for the fee schedule to be 1/1/2021. Pursuant to division (A)(1)(h) of section 4121.441 of the Revised Code, the administrator of workers' compensation, with the advice and consent of the Bureau, develop, maintain, and publish provider fee schedules. The updated fee schedule updates reimbursement methodology for the following services: 1) anesthesia; 2) surgery; 3) radiology; 4) pathology; 5) physical medicine; 6) and 7) general medicine.

**WJH+WHN:** The Bureau published notice of the emergency rule in the Register of Ohio. The rule is effective 12/31/2020 and is scheduled to expire 5/1/2021.

**Links:**

- [Emergency Rule Text](#)
- [Notice of Emergency Rule](#)
- [Professional Provider Medical Services Fee Schedule](#)
- [Draft Rule 4123-6-08](#)

**OREGON****Reg ID:** OR62541**Issues:** Workers' Compensation Provider Fee Schedule

**Summaries:** The Department adopted temporary rules addressing Workers Compensation Medical Billing Codes in Oregon. The Department adopted these rules to allow health care providers and workers compensation insurers to have updated 2021 medical billing codes for services on and after 1/1/2021.

The rules call for the following 2021 updates:

436-009-0004: Revised rule adopts new medical billing codes for 2021 (by references). The references include: American Medical Association (AMA) Current Procedural Terminology (CPT) 2021; Healthcare Common Procedure Coding System (HCPCS 2021); American Dental Associations Dental Procedure Codes; and COVID-19-related CPT codes.

436-009-0010: Revised rule specifies that billing codes and modifiers in 2021 CPT may be utilized on billing forms. Charts and Graphs are also provided regarding the codes.

436-009-0012: Revised rule is amended to include the reference to CPT 2021. The rule also adds language that notwithstanding OAR 436-009-0004, medical services that may be provided through telemedicine are not limited to those listed in Appendix P of 2020 or 2021 of the CPT codes.

436-009-0023: Revised rule includes associated fee schedules in Appendices C and D that list codes and maximum allowable payments for ambulatory surgery center services.

436-009-0040: Revised rule includes an associated Appendix B, Physician Fee Schedule, that lists codes and maximum allowable payments for numerous medical services.

The statutory authority is pursuant to: ORS 656.245, 656.248, 656.252, and others.

**WJH+WHN:** The Department published notice of the temporary rules in the Oregon Bulletin. The rules are final with an effective date of 1/1/2021.

**Links:** [Temporary Rules - Redlined](#)

## UTAH

Reg ID: UT61979

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

**Summaries:** The Commission adopted amendments to rules related to workers' compensation and medical care. The amendments update R612-300-3, which is entitled "Required Reports." The amendments clarify that form 123 is the Physician's Initial Report of Work Injury or Occupational Disease, and update Forms 043 and 044. The amendments also remove reference to Form 110.

The amendments revise R612-300-4, which is entitled "General Method for Computing Medical Fees." The amendments adopt by reference the following: Optum360 Essential RBRVS 2020 annual 1st Quarter Update, (edition includes RBRC20/U1799 and U1800) ("RBRVS" hereafter).

The amendments update R612-300-5, which is entitled "Fees for Specific Procedures." The amendments clarify that medical providers billing under CPT codes 97010, through 97150, 97161 through 97168, and 97530 through 97610 are limited to payment for a total of three procedures/units per visit, or six procedures/units if more than one site is treated. The amendments continue that patient education is paid in addition to the three highest valued procedures, among other provisions. The amendments add new procedure codes and language discussing documentation related to revaluation. The amendments also remove the portion of the rule that discussed procedures for which no fee is allowed.

Finally, the amendments update R612-300-7, which is entitled "Billing and Payment." The amendments add language which states that a third-party administrator may not apply a discount absent of a specific written contract with the provider, among other changes.

**WJH+WHN:** The Commission published notice of the final rules in the 1/15/2021 Utah State Bulletin. The final rules are retroactively effective, 1/1/2021.

**Links:**

- [Notice of the Final Rules \(p. 85\)](#)
- [Notice of Proposed Rules \(redlined version\) \(doc. p. 51\)](#)

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## WYOMING

**Reg ID:** WY60830

**Issues:** Workers' Compensation Coverage

**Summaries:** The Division has adopted amendments to the rule regarding employer coverage, compliance and discount programs.

Specifically, the updates add the requirement that non-resident employers who cover their out of state employees under a workers' compensation policy from another state provided a list of those employees so covered. This requirement is necessary for the orderly evaluation and processing of claims by employees of non-resident employers who have employees in Wyoming who are covered under out of state coverage and local employees covered under the Wyoming Workers Compensation Act.

**WJH+WHN:** The Division published notice of the final rule, effective 12/9/2020.

**Links:**

- [12/23/2020 Version](#)
- [Proposed Rule Notice and Text](#)