



Medical Management Regulatory Update



AIG and Health Direct are pleased to bring you this quarterly newsletter on the most recent legislation and regulation on workers' compensation medical management for your state(s).

Legislative and Regulatory Activity

Legal Activity	Synopsis	Status & Last Action Date	Effective Date
Alaska			
Medical Fees	<ul style="list-style-type: none">The Alaska Department of Labor and Workforce Development, Division of Workers' Compensation, adopted amendments to its medical treatment and services fees, among other things.Further information regarding the adopted amendments may be viewed at: https://labor.alaska.gov/wc/forms/Alaska_State_Fee_Schedule_2022_FINAL.pdf	Adopted.	1/1/22
Arizona			
Physicians' and Pharmaceutical Fee Schedule.	<ul style="list-style-type: none">The Industrial Commission of Arizona adopted its 2021-2022 Physicians' and Pharmaceutical Fee Schedule.The fee schedule may be viewed at: https://www.azica.gov/2021-arizona-physicians-fee-schedule	Adopted.	10/1/21
California			
Medical Treatment Utilization Schedule	<ul style="list-style-type: none">The Division of Workers' Compensation ("DWC") adopted updates to the Medical Treatment Utilization Schedule regarding the ACOEM Coronavirus (COVID-19) Guideline and the ACOEM Workplace Mental Health Guideline: Anxiety Disorders.Further information regarding the adopted ACOEM Coronavirus (COVID-19) Guideline update may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/2021/MTUS-Evidence-Based-Update-April2021/Index.htmFurther information regarding the adopted ACOEM Workplace Mental Health Guideline: Anxiety Disorders update may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/2021/MTUS-Evidence-Based-Update-May2021/Index.htm	ACOEM Coronavirus (COVID-19) Guideline: Filed with the Secretary of State on 6/28/21. ACOEM Workplace Mental Health Guideline: Anxiety Disorders: Filed with the Secretary of State on 7/29/21.	ACOEM Coronavirus (COVID-19) Guideline: 7/19/21 ACOEM Workplace Mental Health Guideline: Anxiety Disorders: 6/28/21.



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Medical Treatment Utilization Schedule	<ul style="list-style-type: none">▪ The Division of Workers' Compensation ("DWC") adopted updates to the Medical Treatment Utilization Schedule regarding the Low Back Disorders Guideline.▪ Further information regarding the adopted guideline updates may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/2021/MTUS-Evidence-Based-Update-August/Index.htm	Filed with Secretary of State on 11/8/21.	11/23/21
Medical Treatment Utilization Schedule Drug List	<ul style="list-style-type: none">▪ The Division of Workers' Compensation ("DWC") has issued an order updating the Medical Treatment Utilization Schedule (MTUS) Drug List effective August 1, 2021.▪ Further information regarding the order may be viewed at: https://www.dir.ca.gov/DIRNews/2021/2021-70.html	Order was issued on 6/29/21.	8/1/21
Hospital Outpatient Departments and Ambulatory Surgical Centers Fees	<ul style="list-style-type: none">▪ The Division of Workers' Compensation ("DWC") has posted an updated order adjusting the hospital outpatient departments and ambulatory surgical centers section of the Official Medical Fee Schedule to conform to changes in the Medicare payment system.▪ Further information regarding the updated order may be viewed at: https://www.dir.ca.gov/DIRNews/2021/2021-111.html	Order was issued on 10/25/21.	12/1/21
Pathology and Clinical Laboratory Fees	<ul style="list-style-type: none">▪ The Division of Workers' Compensation ("DWC") has posted an order adjusting the pathology and clinical laboratory section of the Official Medical Fee Schedule to conform to additional changes in the Medicare payment system.▪ Further information regarding the order may be viewed at: https://www.dir.ca.gov/DIRNews/2021/2021-94.html	Order was issued on 9/17/21.	10/1/21
Physician Services and Non-Physician Practitioner Services Fees	<ul style="list-style-type: none">▪ The Division of Workers' Compensation ("DWC") posted an order adopting adjustments to the Physician Services and Non-Physician Practitioner Services section of the Official Medical Fee Schedule ("OMFS") to conform to changes in the Medicare payment system.▪ Further information regarding the order may be viewed at: https://www.dir.ca.gov/DIRNews/2021/2021-102.html	Order was issued on 10/6/21.	10/1/21



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Durable Medical Equipment, Prosthetics, Orthotics and Supplies ("DMEPOS") Fees	<ul style="list-style-type: none">▪ The Division of Workers' Compensation ("DWC") has posted an order adjusting the Durable Medical Equipment, Prosthetics, Orthotics and Supplies ("DMEPOS") section of the Official Medical Fee Schedule to conform to changes in the Medicare payment system.▪ Further information regarding the order may be viewed at: https://www.dir.ca.gov/DIRNews/2021/2021-98.html	Order was issued on 9/24/21.	10/1/21
AB 399 Medical Provider Networks	<p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none">▪ Requires a participating provider from a medical provider network to participate at each location at which they treat patients for 8 or more hours per week, on a monthly average.▪ Prohibits a vendor, provider, or group within the medical provider network from being preferentially cited on a treatment authorization or certification.▪ Requires all treatment authorizations or certifications, adjuster correspondence, or billing explanation of review or explanation of benefits to include the medical provider network identification number, medical provider network name, and the name of the network covering the claimant.▪ Requires that if prospective or concurrent decision of a request for authorization is not made within 5 days from transmission of the request for authorization, or if a final decision is not properly communicated, as specified, that the request for authorization be presumed authorized.▪ Further information regarding the proposed legislation may be viewed at: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB399	Referred to Assembly Committee on Insurance on 2/12/21.	N/A
AB 1465 Medical Provider Networks Study	<ul style="list-style-type: none">▪ Proposed legislation which requires the Commission on Health and Safety and Workers' Compensation to complete a study on delays and access of care issues in medical provider networks by 1/1/23.▪ Further information regarding the proposed legislation may be viewed at: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1465	Passed in the Assembly; Re-referred to the Senate Committee on Labor, Public Employment and Retirement on 6/16/21.	N/A



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SB 537 Medical Utilization Data Medical Provider Data	<p>Adopted legislation which, among other things:</p> <ul style="list-style-type: none">▪ Requires, by January 1, 2024, the Division of Workers' Compensation ("DWC") to create and publish on their website provider medical utilization data, including demographic information, the number of utilization review modification and denial decisions issued to a provider, the number of independent medical reviews requested by a provider, and the number resulting in either modification or denial.▪ Requires, by July 1, 2021, a medical provider network to post on its website a roster of all network physicians, including physical therapists, in the medical provider network and update the roster quarterly.▪ Clarifies that an entity that provides physician network services or ancillary network services is prohibited from altering or amending a request for authorization for medical treatment from a physician or physical therapist before the submission of the request to the claim's administrator.▪ Further information regarding the proposed legislation may be viewed at: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB537	Signed by the Governor on 10/8/19.	Various
Colorado			
Medical Treatment Guidelines	<ul style="list-style-type: none">▪ The Colorado Department of Labor and Employment, Division of Workers' Compensation, proposed amendments to its Medical Treatment Guidelines Rules of Procedure, including its Low Back Pain and Cervical Spine Injury Medical Treatment Guidelines.▪ Further information regarding the proposed amendments may be viewed at: https://cdle.colorado.gov/attorneys/workers-compensation-proposed-and-adopted-rules	Public hearing was held on 11/17/21.	N/A
Medical Fee Schedule	<ul style="list-style-type: none">▪ The Colorado Department of Labor and Employment, Division of Workers' Compensation, adopted amendments to its Rule 18, Medical Fee Schedule.▪ Further information regarding the adopted amendments may be viewed at: https://codwc.app.box.com/v/rule-18-2022	Adopted.	1/1/22



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Connecticut			
Practitioner Fee Schedule	<ul style="list-style-type: none">The Chairman of the State of Connecticut Workers' Compensation Commission issued a Memorandum announcing the 2021 Official Connecticut Practitioner Fee Schedule.The Memorandum may be viewed at: https://wcc.state.ct.us/memos/2021/2021-05.htm	Memorandum issued on 7/7/21.	7/15/21
Florida			
Health Care Provider Reimbursement Manual	<ul style="list-style-type: none">The Department of Financial Services, Division of Workers' Compensation, proposed new changes to the Health Care Provider Reimbursement Manual, with a new proposed effective date of 7/1/22.Further information regarding the proposed changes may be viewed at: https://www.flrules.org/gateway/ruleno.asp?id=69L-7.020&PDate=9/27/2021&Section=3	Proposed rules were amended on 9/27/21.	N/A
Utilization and Reimbursement Disputes	<ul style="list-style-type: none">The Department of Financial Services, Division of Workers' Compensation, adopted rules which amend existing rules governing the process for the resolution of reimbursement disputes between workers' compensation carriers and health care providers.Further information regarding the adopted rules may be viewed at: https://www.myfloridacfo.com/Division/WC/noticesRules.htm	Adopted.	8/2/21
Idaho			
Access to Medical Information.	<p>The Idaho Industrial Commission proposed amendments to rules relating to accessing medical information in workers' compensation cases, which:</p> <ul style="list-style-type: none">Clarify the right of parties to obtain relevant medical information.Provide a time when that information is due after it is requested.Clarify when fees may be charged for providing that information and set the amount that may be charged for information provided.Identify the consequences and remedies for failure to provide relevant information.Further information regarding the proposed rule amendments may be viewed at: https://iic.idaho.gov/wp-content/uploads/sites/111/2021/08/Proposed-Rule-Changes-Medical-Information-Revised-12-Aug-21-1.pdf	Public hearing was held on 8/17/21.	N/A



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Illinois			
HB 128 Drug Formulary	<ul style="list-style-type: none">Proposed legislation which requires the Illinois Workers' Compensation Commission to promulgate an evidence-based drug formulary.Further information regarding the proposed legislation may be viewed at: https://www.ilga.gov/legislation/billstatus.asp?DocNum=128&GAID=16&GA=102&DocTypeID=HB&LegID=127940&SessionID=110	Referred to the House Rules Committee on 1/14/21.	N/A
HB 3558 Drug Formulary	<ul style="list-style-type: none">Proposed legislation which requires the Illinois Workers' Compensation Commission to promulgate an evidence-based drug formulary and requires prescriptions to be limited to the drugs on the formulary.Further information regarding the proposed legislation may be viewed at: https://www.ilga.gov/legislation/billstatus.asp?DocNum=3558&GAID=16&GA=102&DocTypeID=HB&LegID=132598&SessionID=110	Re-referred to the House Rules Committee on 3/27/21.	N/A
HB 3559 Fee Schedule	<p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none">Makes existing medical fee schedules inoperative after August 31, 2022.Provides that the Illinois Workers' Compensation Commission shall establish new medical fee schedules applicable on and after September 1, 2022 in accordance with specified criteria.Further information regarding the proposed legislation may be viewed at: https://www.ilga.gov/legislation/billstatus.asp?DocNum=3559&GAID=16&GA=102&DocTypeID=HB&LegID=132599&SessionID=110	Re-referred to the House Rules Committee on 3/27/21.	N/A



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HB 3560 Custom Compound Medications	<p>Proposed legislation which amends the Workers' Compensation Act in relation to custom compound medications, and:</p> <ul style="list-style-type: none">▪ Sets forth conditions for approval of payment.▪ Provides that charges shall be based upon the specific amount of each component drug and its original manufacturer's National Drug Code number.▪ Allows a provider to prescribe a one-time 7-day supply unless a prescription for more than 7 days is preauthorized by the employer.▪ Further information regarding the proposed legislation may be viewed at: https://www.ilga.gov/legislation/billstatus.asp?DocNum=3560&GAID=16&GA=102&DocTypeID=HB&LegID=132600&SessionID=110	Re-referred to the House Rules Committee on 3/27/21.	N/A
Kentucky			
Utilization Review and Medical Bill Audit	<ul style="list-style-type: none">▪ The Department of Workers' Claims has proposed amendments to its Utilization Review and Medical Bill Audit Regulations.▪ Further information regarding the proposed amendments may be viewed at: https://labor.ky.gov/Regulation%20Notice%20Documents/803%20KAR%2025%20190%20Statement%20of%20Consideration%20(Amended%20After%20Comments).pdf	Amended after public hearing on 5/27/21. Pending review by the Legislative Research Commission.	N/A
Pharmacy Fee Schedule	<ul style="list-style-type: none">▪ The Department of Workers' Claims has adopted amendments to its Pharmacy Fee Schedule.▪ Further information regarding the adopted amendments may be viewed at: https://labor.ky.gov/Regulation%20Notice%20Documents/803%20KAR%2025%20092%20Statement%20of%20Consideration%20(Amended%20After%20Comments).pdf	Adopted.	8/31/21



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Maine			
Medical Fee Schedule	<ul style="list-style-type: none">▪ The Workers' Compensation Board adopted amendments to its Medical Fee Schedule.▪ Further information regarding the updated fee schedule may be viewed at: https://www.maine.gov/wcb/Departments/omrs/medfeesched/Medical_Fee_Schedule_October_2021.pdf	Adopted.	10/1/21
Minnesota			
Medical Cannabis	<p>In two opinions, the Minnesota Supreme Court held that Minnesota employers cannot be forced to reimburse injured workers for medical cannabis. The Court further held that:</p> <ul style="list-style-type: none">▪ Resolving a claim asserting that a conflict exists between federal law that prohibits cannabis possession and state law that requires an employer to pay for an injured employee's reasonable and necessary medical treatment would require the Workers' Compensation Court of Appeals to interpret and apply federal law, and that court lacks subject matter jurisdiction to decide the preemption issue presented by that claim.▪ The prohibition in the U.S. Controlled Substances Act on the possession of cannabis preempts an order made under Minnesota's workers' compensation law that requires an employer to reimburse an injured employee for the cost of medical cannabis used to treat a work-related injury.▪ The <i>Susan K. Musta vs. Mendota Heights Dental Center</i> opinion may be viewed at: https://mn.gov/law-library-stat/archive/supct/2021/OPA201551-101321.pdf▪ The <i>Daniel Bierbach vs. Digger's Polaris</i> opinion may be viewed at: https://mn.gov/law-library-stat/archive/supct/2021/OPA201525-101321.pdf	Opinions filed on 10/13/21.	10/13/21
Medical Fee Schedules	<ul style="list-style-type: none">▪ The Minnesota Department of Labor and Industry, Workers' Compensation Division, adopted updated medical fee schedules.▪ Further information regarding the updated fee schedules may be viewed at: http://www.dli.mn.gov/business/workers-compensation/work-comp-medical-fee-schedules-rbrvs	Adopted.	10/1/21



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Montana			
Fee Schedules	<ul style="list-style-type: none">The Montana Department of Labor and Industry adopted amendments to its Workers' Compensation Medical Fee Schedules.Further information regarding the proposed amendments may be viewed at: https://erd.dli.mt.gov/work-comp-claims/medical-regulations/montana-work-comp-fee-schedules	Adopted.	7/1/21
SB 395 Pharmacy Benefit Management Oversight	<ul style="list-style-type: none">Enacted legislation which establishes standards and criteria for the licensure and regulation of pharmacy benefit managers that provide claims processing services or other prescription drug or device services for health benefit plans and workers' compensation insurance carriers.Further information regarding the enacted legislation may be viewed at: https://leg.mt.gov/bills/2021/billpdf/SB0395.pdf	Signed by the Governor on 5/12/21.	1/1/22
New Jersey			
A 1708 S 3406 Medical Marijuana	<ul style="list-style-type: none">Proposed legislation which, among other things, requires workers' compensation payers to reimburse an injured worker for the use of medical marijuana under certain circumstances.Further information regarding the proposed legislation may be viewed at: https://www.njleg.state.nj.us/2020/Bills/A2000/1708_R3.PDF	<ul style="list-style-type: none">A 1708: Passed in the Assembly on 6/21/21.S 3406: Referred to the Senate Commerce Committee on 2/4/21.	N/A
A 469 Opioid Prescribing	<ul style="list-style-type: none">Proposed legislation which, among other things, limits first-time prescriptions of an opioid medication to a 7-day supply, with certain exceptions.Further information regarding the proposed legislation may be viewed at: https://www.njleg.state.nj.us/2020/Bills/A0500/469_I1.PDF	<ul style="list-style-type: none">Referred to the Assembly Health Committee on 1/14/20.	N/A



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S 3375 Communications with Treating Provider Non-Interference with Medical Treatment	<p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none">▪ Requires that all communications between an insurance carrier and a treating medical provider be provided to the injured worker.▪ Requires that nurses or rehabilitation professionals who attend medical treatment appointments be authorized to do so by the injured worker.▪ Prohibits a medical provider from withholding any communication from an employer or its insurance carrier to a treating physician, from an injured worker without documented therapeutic medical reason for withholding that record.▪ Prohibits an employer, carrier or third-party administrator from delaying or denying authorization for any treatment, procedures, therapies, or medications recommended by any authorized medical care provider once treatment or services have been authorized or determined to be the responsibility of the employer.▪ Further information regarding the proposed legislation may be viewed at: https://www.njleg.state.nj.us/2020/Bills/S3500/3375_11.HTM	<ul style="list-style-type: none">▪ Referred to the Senate Labor Committee on 1/21/21.	N/A
New York			
Medical Billing Disputes	<ul style="list-style-type: none">▪ The New York State Workers' Compensation Board adopted an amendment to its medical billing rules which require all objections to medical bills be made simultaneously to make the process more efficient,▪ Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/regulations/12NYCRR325_125_medical-billing-disputes/	Adopted.	11/1/21
Durable Medical Equipment	<ul style="list-style-type: none">▪ The New York State Workers' Compensation Board proposed updates to the Durable Medical Equipment fee schedule.▪ Further information regarding the proposed updates may be viewed at: http://www.wcb.ny.gov/content/main/regulations/12NYCRR442_2_DME-fee-schedule/	Comment period ended on 9/13/21.	TBD, coinciding with the launch of OnBoard: Limited Release.



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Prior Authorization Requests	<ul style="list-style-type: none">The New York State Workers' Compensation Board adopted amendments to implement an internet portal-based submission and review process for requesting prior approval for medical treatment and care.Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/regulations/324_2_Prior_Auth_Reg/	Adopted.	TBD, coinciding with the launch of OnBoard: Limited Release.
Telehealth	<ul style="list-style-type: none">The New York State Workers' Compensation Board proposed repealing emergency regulations which provide for telemedicine during COVID-19 and replacing them to permanently provide the option for telehealth visits in some circumstances.Further information regarding the proposed amendments may be viewed at: http://www.wcb.ny.gov/content/main/regulations/Covid-19/	Comment period ended on 9/13/21.	N/A
Drug Formulary Medical Marijuana	<ul style="list-style-type: none">The New York State Workers' Compensation Board announced that regulations regarding the Drug Formulary that were adopted and published in the September 1, 2021, State Register will be deferred from September 1, 2021, and will coincide with the launch of OnBoard: Limited Release, the first phase of the Workers' Compensation Board's new business information system.The announcement may be viewed at: http://www.wcb.ny.gov/content/main/TheBoard/drug-formulary-update-medical-marijuana-clarification.jsp	Announcement issued.	TBD, coinciding with the launch of OnBoard: Limited Release.
Medical Treatment Guidelines: Eye Disorders, Traumatic Brain Injury, Complex Regional Pain Syndrome	<ul style="list-style-type: none">The New York State Workers' Compensation Board proposed amendments to its Eye Disorders, Traumatic Brain Injury, and Complex Regional Pain Syndrome Medical Treatment Guidelines.Further information regarding the proposed amendments may be viewed at: http://www.wcb.ny.gov/content/main/regulations/324_2_MTG_ED_TBI_CRPS/	Comment period ends on 12/13/21.	N/A



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Medical Treatment Guidelines: Hand, Wrist and Forearm, Asthma, Hip/Groin, Foot/Ankle, Elbow, Occupational Interstitial Lung Disease	<ul style="list-style-type: none">▪ The New York State Workers' Compensation Board adopted amendments to its Medical Treatment Guidelines which:▪ Add a Hand, Wrist and Forearm Medical Treatment Guideline and a new Asthma Medical Treatment Guideline.▪ Incorporate four guidelines by reference: Hip/Groin, Foot/Ankle, Elbow, and Occupational Interstitial Lung Disease.▪ The adopted amendments, originally planned to become effective on 1/1/21, will now go into effect on a date to be announced, coinciding with the launch of the new OnBoard: Limited Release claims system.▪ Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/hcpp/MedicalTreatmentGuidelines/2021TreatGuide.jsp▪ Further information regarding the revised effective date of the adopted amendments and the OnBoard: Limited Release claims system may be viewed at: http://www.wcb.ny.gov/content/main/TheBoard/2021-new-MTGs.jsp	Adopted.	TBD, coinciding with the launch of OnBoard: Limited Release.
Medical Treatment Guidelines: Post-Traumatic Stress Disorder, Acute Stress Disorder, Work-Related Depression and Depressive Disorders	<ul style="list-style-type: none">▪ The New York State Workers' Compensation Board adopted amendments to its Post-Traumatic Stress Disorder, Acute Stress Disorder and the Work-Related Depression and Depressive Disorders Medical Treatment Guidelines.▪ Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/regulations/324_2_MTG_PSD_ASD_MDD/	Adopted.	TBD, coinciding with the launch of OnBoard: Limited Release.
Medical Treatment Guidelines: Mid and Low Back, Neck, Knee, and Shoulder	<ul style="list-style-type: none">▪ The New York State Workers' Compensation Board adopted amendments to its Mid and Low Back, Neck, Knee, and Shoulder Medical Treatment Guidelines.▪ Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/regulations/12NYCRR324_2_MTGs/	Adopted.	TBD, coinciding with the launch of OnBoard: Limited Release.



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Medical Treatment Guidelines: Non-Acute Pain	<ul style="list-style-type: none">The New York State Workers' Compensation Board adopted amendments to its Non-Acute Pain Medical Treatment Guidelines.Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/regulations/12NYCRR324_2_MTGs_NAP/	Adopted.	TBD, coinciding with the launch of OnBoard: Limited Release.
A 242 Medical Marijuana	<ul style="list-style-type: none">Proposed legislation which, among other things, requires workers' compensation coverage for medical marijuana.Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A00242&term=2021&Summary=Y&Actions=Y&Text=Y	Referred to Assembly Ways and Means Committee on 1/20/21.	N/A
A 1174 Choice of Pharmacy	<p>Proposed legislation which:</p> <ul style="list-style-type: none">Authorizes workers' compensation claimants to use any in-state pharmacy that is registered with the education department, though an employer or insurance carrier may encourage use of a pharmacy with which it has a contract.Provides that a workers' compensation carrier shall not be liable for charges from any out-of-state pharmacy or for any extemporaneous compound medication that has by been approved by the Food and Drug Administration.Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A01174&term=2021&Summary=Y&Actions=Y&Text=Y	Referred to the Assembly Labor Committee on 1/7/21.	N/A
A 1055 (S 5129) Occupational and Physical Therapy Assistants	<ul style="list-style-type: none">Proposed legislation which authorizes treatment of workers' compensation injuries by an occupational therapy assistant and a physical therapy assistant.Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A01055&term=2021&Summary=Y&Actions=Y&Text=Y	Referred to the Assembly Labor Committee on 1/7/21.	N/A



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A 1012 Acupuncture	<ul style="list-style-type: none">Proposed legislation which authorizes the care and treatment of injured employees by licensed or certified acupuncturists under the workers' compensation program.Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A01012&term=2021&Summary=Y&Actions=Y&Text=Y	Referred to the Assembly Labor Committee on 1/7/21.	N/A
A 5146 Nurse Practitioners	<ul style="list-style-type: none">Proposed legislation which authorizes treatment of workers' compensation injuries by a certified nurse practitioner.Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A05146&term=2021&Summary=Y&Actions=Y&Text=Y	Referred to the Assembly Labor Committee on 2/11/21.	N/A
A 1013B (S 1026) Network Pharmacy	<ul style="list-style-type: none">Proposed legislation which amends workers' compensation law regarding contracted network pharmacy use.Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A01013&term=2021&Summary=Y&Actions=Y&Text=Y	Pending in the Assembly Labor Committee on 5/4/21.	N/A
North Dakota			
HB 1139 Opioid Therapy Limits	<ul style="list-style-type: none">Enacted legislation which establishes duration limits for opioid therapy and benzodiazepine.Injured employees must be in compliance with the limits by July 1, 2022, or coverage for therapy exceeding the limits will be terminated.Further information regarding the enacted legislation may be viewed at: https://www.legis.nd.gov/assembly/67-2021/documents/21-0646-02000.pdf	Signed by the Governor on 4/1/21.	8/1/21



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Formulary	<ul style="list-style-type: none">The Ohio Bureau of Workers' Compensation adopted rules which amend its outpatient medication formulary.Further information regarding the adopted rules may be viewed at: https://codes.ohio.gov/ohio-administrative-code/rule-4123-6-21.3	Adopted.	8/1/21
Pennsylvania			
SB 749 Medical Marijuana	<ul style="list-style-type: none">Proposed legislation which, among other things, clarifies that no workers' compensation carrier, self-insured employer or other insurer shall be required to provide coverage for or otherwise reimburse the cost of medical marijuana.Further information regarding the proposed legislation may be viewed at: https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=S&billTyp=B&billNbr=0749&pn=0893	Referred to the Senate Committee on Health and Human Services on 6/14/21.	N/A
Tennessee			
Telehealth	<ul style="list-style-type: none">The Tennessee Bureau of Workers' Compensation adopted new rules which provide for telehealth services.Further information regarding the adopted rules may be viewed at: https://publications.tnsosfiles.com/rules_filings/07-27-21.pdf	Adopted.	10/19/21



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Utilization Review	<p>The Tennessee Bureau of Workers' Compensation ("BWC") proposed amendments to its utilization review rules which, among other things:</p> <ul style="list-style-type: none">▪ Add new definitions of "claims adjuster" and "compliance contact".▪ Establish procedures for requesting reconsideration of an adverse determination and conducting peer-to-peer conferences.▪ Require subcontractors of utilization review agents/organizations to be certified by the Department of Commerce and Insurance, registered with the BWC and accredited by either the Utilization Review Accreditation Commission ("URAC") or the National Committee for Quality Assurance ("NCQA").▪ Provide for penalties when there has been a documented pattern in the use of utilization review in an excessive or punitive manner.▪ Further information regarding the proposed rules may be viewed at: https://publications.tnsosfiles.com/rules_filings/08-17-21.pdf	Public hearing was held on 10/21/21.	N/A
Rules for Medical Payments Medical Fee Schedule	<ul style="list-style-type: none">▪ The Tennessee Bureau of Workers' Compensation adopted amendments to its rules for medical payments and medical fee schedule.▪ Further information regarding the adopted rules for medical payments may be viewed at: https://publications.tnsosfiles.com/rules_filings/06-19-21.pdf▪ Further information regarding the adopted medical fee schedule may be viewed at: https://publications.tnsosfiles.com/rules_filings/06-15-21.pdf	Adopted.	Rules for Medical Payments: 9/26/21 Medical Fee Schedule: 9/22/21
Virginia			
Medical Fee Schedule	<ul style="list-style-type: none">▪ The Virginia Workers' Compensation Commission announced a timeline to meet all requirements to review and finalize the 2022 Medical Fee Schedule, with an effective date of 1/1/22.▪ Further information regarding the 2022 Medical Fee Schedule may be viewed at: https://workcomp.virginia.gov/content/medical-fee-services-mfs	2022 Medical Fee Schedule was finalized.	1/1/22



Medical Management Regulatory Update



Legal Activity	Synopsis	Status & Last Action Date	Effective Date
Washington			
SB 5102 Independent Medical Examinations	<ul style="list-style-type: none">Proposed legislation which, among other things, allows injured workers the right to record independent medical examinations.Further information regarding the proposed legislation may be viewed at: http://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Senate%20Bills/5102-S.pdf?q=20210221222206	Referred to the Senate Ways and Means Committee on 2/15/21.	N/A

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