



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 |
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| Alaska | | | |
| Second Independent Medical Evaluations | <ul style="list-style-type: none"> The Alaska Department of Labor and Workforce Development, Division of Workers' Compensation, proposed adopted amended regulations regarding second independent medical evaluations. Further information regarding the adopted amendments may be viewed at: https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=192301 | <ul style="list-style-type: none"> Filed with the Secretary of State on 4/13/19. | <ul style="list-style-type: none"> 5/12/19 |
| Medical Fee Schedule | <ul style="list-style-type: none"> The Alaska Department of Labor and Workforce Development, Division of Workers' Compensation, posted a notice of adoption regarding revised reference materials related to its Medical Fee Schedule. The Notice of Adoption may be viewed at: https://s3-us-west-2.amazonaws.com/wcc-public-news-storage-4081/2019/March/03122019_AK_DWC_Fee_Sked_Order.pdf | <ul style="list-style-type: none"> Adopted on 3/12/19. | <ul style="list-style-type: none"> 1/1/19 |
| Arizona | | | |
| Physician Dispensing | <ul style="list-style-type: none"> The Industrial Commission of Arizona issued a notice of public hearing to consider whether to adopt additional reimbursement guidelines for medications dispensed in settings that are not accessible to the general public. The notice may be viewed at: https://www.azica.gov/sites/default/files/Notice%20of%20Public%20Hearing%208-23-2018%20Physician%20Dispensing.pdf | <ul style="list-style-type: none"> Public hearing was held on 8/23/18. | <ul style="list-style-type: none"> N/A |

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| California | | | |
| Utilization Review Physician Reporting | <ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") proposed draft amendments which will update the treating physician reporting requirement and utilization review provisions of Senate Bill 1160. Further information regarding the proposed draft amendments may be viewed at: https://www.dir.ca.gov/dwc/DWCWCABForum/UR-Regulations.htm | <ul style="list-style-type: none"> Comment period ended on 1/15/19. | <ul style="list-style-type: none"> N/A |
| Medical Treatment Utilization Schedule | <ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") proposed amendments to the Medical Treatment Utilization Schedule. Further information regarding the proposed amendments may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/MTUS-Evidence-Based-Updates-April2019/MTUS-Evidence-Based-Updates.htm | <ul style="list-style-type: none"> Public hearing was held on 5/6/19. | <ul style="list-style-type: none"> N/A |
| Medical Treatment Utilization Schedule Online Access | <ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") announced that medical providers who treat injured California workers can now have free online access to the State's Medical Treatment Utilization Schedule (MTUS) guidelines. The announcement may be viewed at: https://www.dir.ca.gov/DIRNews/2019/2019-14.pdf | <ul style="list-style-type: none"> Announcement issued on 2/5/19. | <ul style="list-style-type: none"> N/A |
| Medical Treatment Utilization Schedule Drug Formulary | <ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") has issued an Order updating the Medical Treatment Utilization Schedule Drug Formulary. The order adopting the updates may be viewed at: https://www.dir.ca.gov/dwc/MTUS/MTUS-Formulary-Orders.html | <ul style="list-style-type: none"> Order was issued on 1/9/19. | <ul style="list-style-type: none"> 2/15/19 |
| Physician Fee Schedule | <ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") adopted amendments to the Physician Fee Schedule portion of its Official Medical Fee Schedule. Further information regarding the proposed amendments may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/OMFS-Table-A/FinalRegulations/Text-of-regulations-Underline.pdf | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 1/1/19 |
| Pharmaceutical Fee Schedule | <ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") has posted proposed draft amendments to the Pharmaceutical Fee Schedule regulations for review and comment. Further information regarding the proposed draft amendments may be viewed at: https://www.dir.ca.gov/dwc/DWCWCABForum/Pharmaceutical-Fee-Schedule.htm | <ul style="list-style-type: none"> Comment period ended on 10/8/18. | <ul style="list-style-type: none"> N/A |

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| Hospital Outpatient Departments and Ambulatory Surgical Centers Fees | <ul style="list-style-type: none"> ▪ The Division of Workers' Compensation ("DWC") has posted an 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. ▪ The order adopting the adjustments may be viewed at: https://www.dir.ca.gov/dwc/FeeSchedules/OutpatientHospital_FeeSchedule/January-2019/Orders/Order-April-26-2019.pdf | <ul style="list-style-type: none"> ▪ Order was posted on 4/26/19. | <ul style="list-style-type: none"> ▪ 4/1/19 |
| Ambulance Fees | <ul style="list-style-type: none"> ▪ The Division of Workers' Compensation ("DWC") has posted an order adjusting the Ambulance Services section of the Official Medical Fee Schedule to conform to changes in the Medicare payment system. ▪ The order adopting the adjustments may be viewed at: https://www.dir.ca.gov/dwc/FeeSchedules/AMBULANCE_FeeSchedule/Ambulance-%20January-2019/Order.pdf | <ul style="list-style-type: none"> ▪ Order was posted on 12/7/18. | <ul style="list-style-type: none"> ▪ 1/1/19 |
| 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 changes in the Medicare payment system. ▪ The order adopting the adjustments may be viewed at: https://www.dir.ca.gov/dwc/FeeSchedules/PathologyLaboratory_FeeSchedule/January-2019/Order.pdf | <ul style="list-style-type: none"> ▪ Order was posted on 12/20/18. | <ul style="list-style-type: none"> ▪ 1/1/19 |
| Physician Services and Non-Physician Practitioner Services Fees | <ul style="list-style-type: none"> ▪ The Division of Workers' Compensation ("DWC") posted an order adopting revised 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. ▪ The order adopting the revised adjustments may be viewed at: https://www.dir.ca.gov/dwc/FeeSchedules/Physician/PhysicianFeeSchedule/PhysicianFeeSchedule2019/Orders/Order-April-2019.pdf | <ul style="list-style-type: none"> ▪ Order was posted on 3/18/19. | <ul style="list-style-type: none"> ▪ 4/1/19 |
| 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. ▪ The order adopting the adjustments may be viewed at: https://www.dir.ca.gov/dwc/FeeSchedules/DMEPOS_FeeSchedule/January-2019/Order-April.pdf | <ul style="list-style-type: none"> ▪ Order was posted on 3/22/19. | <ul style="list-style-type: none"> ▪ 4/1/19 |

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| AB 1107 Utilization Review | <ul style="list-style-type: none"> ▪ Proposed legislation which allows reversal of a utilization review decision by an Independent Medical Review to serve as conclusive evidence that medical treatment was unreasonably delayed or denied. ▪ Further information regarding the proposed legislation may be viewed at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1107 | <ul style="list-style-type: none"> ▪ Pending in the Senate Rules Committee on 5/2/19. | <ul style="list-style-type: none"> ▪ N/A |
| SB 537 | <p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none"> ▪ Requires, by January 1, 2023, 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, 2020, a medical provider network to post on its website a roster of all participating providers in the medical provider network and update the roster quarterly. ▪ Further information regarding the proposed legislation may be viewed at: http://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200SB537 | <ul style="list-style-type: none"> ▪ Passed in the Senate; pending in the Assembly Insurance Committee on 5/30/19. | <ul style="list-style-type: none"> ▪ N/A |
| Colorado | | | |
| Authorized Treating Physician | <ul style="list-style-type: none"> ▪ The Colorado Department of Labor and Employment, Division of Workers' Compensation, proposed a rule amendment which eliminates a conflict with Rule 18 regarding the fee a physician may charge for the audio recording of an independent medical exam. ▪ Further information regarding the proposed rule amendment may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_8_2019_Proposed.pdf | <ul style="list-style-type: none"> ▪ Public hearing was held on 5/15/19. | <ul style="list-style-type: none"> ▪ N/A |
| Copies of Medical Records | <ul style="list-style-type: none"> ▪ The Colorado Department of Labor and Employment, Division of Workers' Compensation, proposed a rule amendment which requires an insurer to submit to a claimant a copy of the chronological index of medical records and any previously unexchanged medical records at the same time they are submitted to a division independent medical exam physician. ▪ Further information regarding the proposed rule amendment may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_11_4_B_5_2019_Proposed.pdf | <ul style="list-style-type: none"> ▪ Public hearing was held on 5/15/19. | <ul style="list-style-type: none"> ▪ N/A |

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| Traumatic Brain Injury | <ul style="list-style-type: none"> ▪ The Colorado Department of Labor and Employment, Division of Workers' Compensation, adopted amendments to the Traumatic Brain Injury Treatment Guideline, Exhibit 10, Rule 17. ▪ Further information regarding the adopted amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_17_Exhibit_2_Traumatic_Brain_Injury.pdf | <ul style="list-style-type: none"> ▪ Adopted. | <ul style="list-style-type: none"> ▪ 1/30/19 |
| Utilization Standards | <ul style="list-style-type: none"> ▪ The Colorado Department of Labor and Employment, Division of Workers' Compensation, adopted amendments to its Rule 16, Medical Utilization Standards. ▪ Further information regarding the adopted amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_16_Utilization_Standards_2019_Adopted.pdf | <ul style="list-style-type: none"> ▪ Adopted. | <ul style="list-style-type: none"> ▪ 1/1/19 |
| Medical Fee Schedule Physician Dispensing of Opioids | <p>The Colorado Department of Labor and Employment, Division of Workers' Compensation, adopted amendments to its Rule 18, Medical Fee Schedule which, among other things:</p> <ul style="list-style-type: none"> ▪ Require Schedule II and Schedule III opioids that are prescribed for treatment lasting longer than 7 days to be dispensed through a pharmacy. ▪ Further information regarding the adopted amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_18_Medical_Fee_Schedule_2019_Adopted_0.pdf | <ul style="list-style-type: none"> ▪ Adopted. | <ul style="list-style-type: none"> ▪ 1/1/19 |
| Division Independent Medical Examinations | <ul style="list-style-type: none"> ▪ The Colorado Department of Labor and Employment, Division of Workers' Compensation, adopted amendments to its Rule 11, Division Independent Medical Examinations. ▪ Further information regarding the adopted amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_11_Division_Independent_Medical_Examination_2019_Adopted.pdf | <ul style="list-style-type: none"> ▪ Adopted. | <ul style="list-style-type: none"> ▪ 1/1/19 |
| HB 1105 Level I Accreditation | <p>Enacted legislation which:</p> <ul style="list-style-type: none"> ▪ Allows an advanced practice nurse with prescriptive authority to receive level I accreditation for the purpose of receiving one hundred percent reimbursement under the workers' compensation medical fee schedule. ▪ Clarifies that only a physician licensed under the Colorado Medical Practice Act is authorized to declare that a worker has reached maximum medical improvement, and are allowed to determine that an occupational injury did not result in a permanent medical impairment. ▪ Further information regarding the enacted legislation may be viewed at: https://leg.colorado.gov/sites/default/files/2019a_1105_signed.pdf | <ul style="list-style-type: none"> ▪ Signed by the Governor on 4/4/19. | <ul style="list-style-type: none"> ▪ 8/2/19 |

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| Connecticut | | | |
| Hospital and Surgical Center Fee Schedule | <ul style="list-style-type: none"> The Chairman of the State of Connecticut Workers' Compensation Commission issued a Memorandum which announced updates to the hospital and surgical center fee schedule. The Memorandum may be viewed at: https://wcc.state.ct.us/memos/2018/2018-11.htm | <ul style="list-style-type: none"> Memorandum issued on 12/31/18. | <ul style="list-style-type: none"> 4/1/19 |
| HB 6916 Delays in Care | <ul style="list-style-type: none"> Proposed legislation which, among other things, expands remedies and potential liability for undue delays in care for injured workers. Further information regarding the proposed legislation may be viewed at: https://www.cga.ct.gov/2019/FC/pdf/2019HB-06916-R000475-FC.PDF | <ul style="list-style-type: none"> Pending in the House on 4/8/19. | <ul style="list-style-type: none"> N/A |
| Hawaii | | | |
| HB 389 Independent Medical Examination | <p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none"> Requires persons performing an independent medical exam or permanent impairment rating exam examine the injured worker within a reasonable time period upon receipt of notice. Requires the injured worker be provided a copy of the exam. Further information regarding the proposed legislation may be viewed at: https://www.capitol.hawaii.gov/session2019/bills/HB389_HD1_.htm | <ul style="list-style-type: none"> Re-referred to the Senate Committees on Labor, Culture and the Arts, and Commerce, Consumer Protection and Health on 3/11/19. | <ul style="list-style-type: none"> N/A |
| HB 390 Independent Medical Examination | <p>Passed legislation that makes permanent Act 172, Session Laws of Hawaii 2017, which:</p> <ul style="list-style-type: none"> Grants employees the right to have a chaperone present during a medical examination relating to a workers' compensation work injury and, with the approval of the examining physician or surgeon, to record the examination Provides that if an employee or employee's chaperone obstructs the medical examination, the employee's right to worker's compensation shall be suspended until the refusal or obstruction ceases. Further information regarding the passed legislation may be viewed at: https://www.capitol.hawaii.gov/session2019/bills/HB390_SD2_.pdf | <ul style="list-style-type: none"> Transmitted to the Governor on 5/1/19. | <ul style="list-style-type: none"> N/A |
| HB 863 Independent Medical Examination | <ul style="list-style-type: none"> Proposed legislation which, among other things, requires a physician or surgeon who performs a medical exam on an employee for workers' compensation purposes to be licensed in the State, possess medical malpractice insurance, and owe the same duty and standard of care to the injured employee as owed to a traditional patient. Further information regarding the enacted legislation may be viewed at: https://www.capitol.hawaii.gov/session2019/bills/HB863_.pdf | <ul style="list-style-type: none"> Deferred in the House Labor Committee on 2/7/19. | <ul style="list-style-type: none"> N/A |

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| HB 1534 Medical Cannabis | <ul style="list-style-type: none"> Proposed legislation which requires that workers registered with the Department of Health's medical cannabis program be reimbursed for the out of pocket cost of medical cannabis through the workers' compensation system in certain circumstances. Further information regarding the proposed legislation may be viewed at: https://www.capitol.hawaii.gov/session2019/bills/HB1534_.pdf | <ul style="list-style-type: none"> Deferred in the House Labor Committee on 2/7/19. | <ul style="list-style-type: none"> N/A |
| Illinois | | | |
| HB 2792 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, 2020. Provides that the Illinois Workers' Compensation Commission shall establish new medical fee schedules applicable on and after September 1, 2020 in accordance with specified criteria. Further information regarding the proposed legislation may be viewed at: http://www.ilga.gov/legislation/BillStatus.asp?DocNum=2792&GAID=15&DocTypeID=HB&LegID=119045&SessionID=108&GA=101 | <ul style="list-style-type: none"> Re-referred to the House Rules Committee on 3/29/19. | <ul style="list-style-type: none"> N/A |
| Indiana | | | |
| SB 369 Drug Formulary | <ul style="list-style-type: none"> Enacted legislation which requires use of the ODG drug formulary in worker's compensation beginning 1/1/19. Further information regarding the enacted legislation may be viewed at: http://iga.in.gov/legislative/2018/bills/senate/369 | <ul style="list-style-type: none"> Signed by the Governor on 3/25/18. | <ul style="list-style-type: none"> 1/1/19 |
| Kansas | | | |
| Medical and Hospital Services Fee Schedule | <ul style="list-style-type: none"> The Kansas Department of Labor, Division of Workers' Compensation, proposed revisions to its medical and hospital services fee schedule. Further information regarding the proposed revisions may be viewed on page 1190 in the December 13, 2018 edition of the Kansas Register at: http://www.kssos.org/pubs/register/2018/Vol_37_No_50_December_13_2018_pages-1181-1198.pdf | <ul style="list-style-type: none"> Public hearing was held on 2/15/19. | <ul style="list-style-type: none"> N/A |
| HB 2313 SB 172 Medical Care Expense Limit | <ul style="list-style-type: none"> Proposed legislation which increases workers compensation treatment expense limits from \$500 to \$2,000 for injured workers prior to claim approval. Further information regarding HB 2313 may be viewed at: http://www.kslegislature.org/li/b2019_20/measures/documents/hb2313_00_0000.pdf Further information regarding SB 172 may be viewed at: http://www.kslegislature.org/li/b2019_20/measures/documents/sb172_00_0000.pdf | <ul style="list-style-type: none"> HB 2313: Referred to the House Committee on Commerce, Labor and Economic Development on 2/13/19. SB 172: Referred to the Senate Committee on Commerce on 2/13/19. | <ul style="list-style-type: none"> N/A |

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| HB 2013 SB 92 AMA Guides to the Evaluation of Permanent Impairment | <ul style="list-style-type: none"> Proposed legislation which returns injured workers' impairment ratings back to the fourth edition of the AMA Guides to the Evaluation of Permanent Impairment. Further information regarding HB 2013 may be view at: http://www.kslegislature.org/li/b2019_20/measures/documents/hb2013_00_0000.pdf Further information regarding SB 92 may be view at: http://kslegislature.org/li/b2019_20/measures/documents/sb92_00_0000.pdf | <ul style="list-style-type: none"> HB 2013: Referred to the House Committee on Commerce, Labor and Economic Development on 1/14/19. SB 92: Referred to the Senate Commerce Committee on 2/5/19. | <ul style="list-style-type: none"> N/A |
| Kentucky | | | |
| Drug Formulary | <ul style="list-style-type: none"> The Department of Workers' Claims ("DWC") adopted regulations which implement the drug formulary provision of HB 2. The DWC adopted ODG by MCG Health drug formulary for use in the treatment of work-related injuries and occupational disease. Further information regarding the adopted regulations may be viewed at: https://labor.ky.gov/comp/DrugFormulary/Pages/default.aspx | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 1/1/19 |
| HB 2 Medical Treatment Guidelines Drug Formulary | <ul style="list-style-type: none"> Enacted legislation which, among other things, directs the Commissioner of Workers' Claims to develop or adopt a pharmaceutical formulary by the end of 2018 and evidence-based treatment guidelines by the end of 2019. Further information regarding the enacted legislation may be viewed at: https://apps.legislature.ky.gov/record/18rs/hb2.html | <ul style="list-style-type: none"> Signed by the Governor on 3/30/18. | <ul style="list-style-type: none"> Various |
| Louisiana | | | |
| Chronic Pain Guideline | <ul style="list-style-type: none"> The Office of Workers' Compensation Administration ("OWCA") issued a Notice of Intent to amend its Chronic Pain Guideline and a proposed draft for comment. The Notice and proposed draft may be viewed at: http://www.laworks.net/WorkersComp/OWC_MedicalGuidelines.asp | <ul style="list-style-type: none"> Comment period is open. | <ul style="list-style-type: none"> N/A |
| SB 88 Appeal of Medical Director Medical Treatment Schedule Decision | <ul style="list-style-type: none"> Passed legislation which requires that an appeal of the decision by the medical director or associate medical director regarding the medical treatment schedule must be filed within 45 days of the date of the issuance of the decision. Further information regarding the passed legislation may be viewed at: http://www.legis.la.gov/legis/ViewDocument.aspx?d=1139759 | <ul style="list-style-type: none"> Sent to the Governor for signature on 6/4/19. | <ul style="list-style-type: none"> N/A |
| Maine | | | |
| Medical Fee Schedule | <ul style="list-style-type: none"> The Maine Workers' Compensation Board adopted rule amendments to its medical fee schedule. Further information regarding the adopted amendments may be viewed at: http://www.maine.gov/wcb/ | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 1/1/19 |

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| Maryland | | | |
| Medical Fee Schedule | <ul style="list-style-type: none"> The Maryland Workers' Compensation Commission posted updated conversion factors and reimbursement rates to its medical fee schedule. Further information regarding the adopted amendments may be viewed at: http://www.wcc.state.md.us/MFG/Medical_Fee_Schedule.html | <ul style="list-style-type: none"> Rates posted. | <ul style="list-style-type: none"> 1/1/19 |
| Michigan | | | |
| Health Care Services | <ul style="list-style-type: none"> The Michigan Department of Licensing and Regulatory Affairs, Workers' Compensation Agency, adopted rule amendments which update fee schedules for reimbursement to providers for treatment of injured workers. Further information regarding the adopted rule amendments may be viewed at: https://www.michigan.gov/wca/0,4682,7-191-26922-487511--,00.html | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 1/8/19 |
| Mississippi | | | |
| Medical Fee Schedule | <ul style="list-style-type: none"> The Mississippi Workers' Compensation Commission adopted amendments to its 2019 Medical Fee Schedule. Further information regarding the 2019 Medical Fee Schedule may be viewed at: http://www.sos.ms.gov/adminsearch/ACProposed/00024122b.pdf | <ul style="list-style-type: none"> Filed with the Secretary of State on 5/15/19. | <ul style="list-style-type: none"> 6/15/19 |
| Montana | | | |
| Treatment Guidelines | <ul style="list-style-type: none"> The Montana Department of Labor and Industry proposed amendments to its Utilization and Treatment Guidelines, and updates to the Chronic Pain Disorder Guideline and Complex Regional Pain Syndrome Guideline. Further information regarding the proposed amendments and treatment guidelines may be viewed at: http://mtguidelines.com/ | <ul style="list-style-type: none"> Public hearing was held on 4/19/19. | <ul style="list-style-type: none"> N/A |
| Fee Schedules | <ul style="list-style-type: none"> The Montana Department of Labor and Industry proposed amendments to its Facility and Professional Fee Schedules. Further information regarding the proposed amendments may be viewed at: http://erd.dli.mt.gov/Portals/54/Documents/Work-Comp-Claims/Medical-Regs/Facility%20Fee%20Schedules/24-29-345pro-arm.pdf?ver=2019-04-08-115211-643 | <ul style="list-style-type: none"> Public hearing was held on 5/6/19. | <ul style="list-style-type: none"> N/A |

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| Drug Formulary | <ul style="list-style-type: none"> ▪ The Montana Department of Labor and Industry adopted regulations to implement a workers' compensation outpatient drug formulary using the Official Disability Guidelines "(ODG)" Drug Formulary. ▪ For new claims with dates of injury on or after 4/1/19, the Drug Formulary will apply on 4/1/19. ▪ For claims with dates of injury prior to 4/1/19, the Drug Formulary will apply on 4/1/2020. ▪ Further information regarding the adopted regulations may be viewed at: http://erd.dli.mt.gov/work-comp-claims/medical-regulations/formulary | <ul style="list-style-type: none"> ▪ Adopted. | <ul style="list-style-type: none"> ▪ 4/1/19 |
| HB 313 Choice of Treating Physician | <ul style="list-style-type: none"> ▪ Proposed legislation which, among other things, eliminates the provision that allows carriers to designate a doctor after accepting liability for the claim. ▪ Further information regarding HB 313 may be viewed through the Montana Legislative bill search page at: http://laws.leg.mt.gov/legprd/law0203w\$.startup?P_SESS=20191 | <ul style="list-style-type: none"> ▪ Died at the end of the 2019 Legislative Session. | <ul style="list-style-type: none"> ▪ N/A |
| Nebraska | | | |
| Fee Schedules | <p>The Nebraska Workers' Compensation Court adopted amendments which, among other things:</p> <ul style="list-style-type: none"> • Update the schedule of fees for medical, surgical, and hospital services. • Remove the prohibition on physician self-referrals. ▪ Further information regarding the adopted amendments may be viewed at: https://www.wcc.ne.gov/home/fee-schedules | <ul style="list-style-type: none"> ▪ Approved by the Nebraska Supreme Court on 1/23/19. | <ul style="list-style-type: none"> ▪ 1/1/19 |
| LB 487 Drug Formulary | <ul style="list-style-type: none"> ▪ Proposed legislation which requires the Nebraska Workers' Compensation Court to adopt an evidence-based drug formulary. ▪ Further information regarding the proposed legislation may be viewed at: https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB487.pdf | <ul style="list-style-type: none"> ▪ Pending in the Business and Labor Committee on 2/8/19. | <ul style="list-style-type: none"> ▪ N/A |
| Nevada | | | |
| AB 128 Vocational Rehabilitation | <ul style="list-style-type: none"> • Passed legislation which revises provisions regarding vocational rehabilitation programs. • Further information regarding the passed legislation may be viewed at: https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6178/Overview | <ul style="list-style-type: none"> ▪ Passed in the Assembly and the Senate as of 6/1/19. | <ul style="list-style-type: none"> ▪ N/A |

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| SB 381 Selection of Treating Provider | <p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none"> Establishes the substantive right of an injured employee to choose a treating health care provider. Revises provisions governing the panel of treating physicians and chiropractors established by the Administrator of the Division of Industrial Relations to require the inclusion of certain health care providers. Authorizes the Administrator to select a rating physician or chiropractor for an injured employee upon request. Further information regarding the proposed legislation may be viewed at: https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6691/Overview | <ul style="list-style-type: none"> Pending in the Assembly Committee on Commerce and Labor on 6/2/19. | <ul style="list-style-type: none"> N/A |
| New Jersey | | | |
| A 4097 Medical Marijuana | <ul style="list-style-type: none"> Proposed legislation which clarifies that state law does not prohibit workers' compensation payers from reimbursing an injured worker for the use of medical marijuana. Further information regarding the proposed legislation may be viewed at: https://legiscan.com/NJ/text/A4097/id/1805413 | <ul style="list-style-type: none"> Introduced and referred to the Assembly Labor Committee on 6/4/18. | <ul style="list-style-type: none"> N/A |
| A 640 Opioid Prescribing | <ul style="list-style-type: none"> Proposed legislation which, among other things, limits prescriptions of an opioid medication to a 7-day supply, with certain exceptions. Further information regarding the proposed legislation may be viewed at: http://www.njleg.state.nj.us/2018/Bills/A1000/640_I1.PDF | <ul style="list-style-type: none"> Referred to the Assembly Committee on Health and Senior Services on 1/9/18. | <ul style="list-style-type: none"> N/A |
| New York | | | |
| Medical Fee Schedule | <ul style="list-style-type: none"> The New York State Workers' Compensation Board adopted amendments to update the fees paid for medical treatment in workers' compensation claims. Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/MedicalFeeSchedule/MedicalFeeSchedule.jsp | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 4/1/19 |
| Drug Formulary | <ul style="list-style-type: none"> The New York State Workers' Compensation Board adopted regulations which establish a prescription drug formulary. Further information regarding the formulary may be viewed at: http://www.wcb.ny.gov/drug-formulary-regulation/ | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 6/5/19 |
| Pharmacy Fee Schedule | <ul style="list-style-type: none"> The New York State Workers' Compensation Board adopted amended regulations which update the pricing methodology for prescription drugs. Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/PharmacyFeeSchedule/PharmacyFeeSchedule.jsp | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 10/1/19 |

| Legal Activity | Synopsis | Status & Last Action Date | Effective Date |
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| ER, Clinic, and Psychiatric Hospital Fee Schedule | <ul style="list-style-type: none"> ▪ The New York State Workers' Compensation Board adopted amended regulations which update and establish fees for emergency room services, rural area outpatient clinics, hospital-based mental health clinics, and private psychiatric hospitals. ▪ Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/Subpart_329_3ERandClinic/Subpart_329_3ERandClinic.jsp | <ul style="list-style-type: none"> ▪ Adopted. | <ul style="list-style-type: none"> ▪ 6/1/19 |
| A 3753A (S 3969A) 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=A03753&term=2019&Summary=Y&Actions=Y&Text=Y | <ul style="list-style-type: none"> ▪ Recommitted to the Assembly Committee on Labor on 5/8/19. | <ul style="list-style-type: none"> ▪ N/A |
| A 3594 Physical Therapy Assistants | <ul style="list-style-type: none"> ▪ Proposed legislation which permits an authorized physician treating injured employees to direct that physical therapy care may be rendered by a certified physical therapist assistant under the workers' compensation program. ▪ Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A03594&term=2019&Summary=Y&Actions=Y&Text=Y | <ul style="list-style-type: none"> • Referred to the Assembly Committee on Labor on 1/29/19. | <ul style="list-style-type: none"> ▪ N/A |
| A 5438 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=A05438&term=2019&Summary=Y&Actions=Y | <ul style="list-style-type: none"> • Referred to the Assembly Committee on Labor on 2/12/2019. | <ul style="list-style-type: none"> ▪ N/A |
| A 0469 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=A00469&term=2019&Summary=Y&Actions=Y&Text=Y | <ul style="list-style-type: none"> • Referred to the Assembly Committee on Labor on 1/9/19. | <ul style="list-style-type: none"> ▪ N/A |
| S 1042 Telehealth Services | <ul style="list-style-type: none"> ▪ Proposed legislation which establishes a task force to conduct a study on the ability to utilize telehealth within the workers' compensation system. ▪ Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S01042&term=2019&Summary=Y&Actions=Y&Text=Y | <ul style="list-style-type: none"> • Pending in the Senate Committee on Labor on 3/19/19. | <ul style="list-style-type: none"> ▪ N/A |

| Legal Activity | Synopsis | Status & Last Action Date | Effective Date |
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| <p>A 7045 (S 5302)</p> <p>Medical Payment Disputes</p> <p>Treatment Guidelines</p> | <p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none"> ▪ Grants doctors and other providers standing to address payment issues and appeal decisions, as claimants have. ▪ Provides that guidelines could be used only to approve, not deny, treatment. ▪ Raises the threshold for which treatments require prior authorization from \$1,000 to \$2,000. ▪ Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A07045&term=2019&Summary=Y&Actions=Y&Text=Y | <ul style="list-style-type: none"> ▪ Referred to the Assembly Committee on Labor on 4/4/19. | <ul style="list-style-type: none"> ▪ N/A |
| <p>S 1505</p> <p>Medical Bills and Disputes</p> <p>Direction of Care</p> <p>Authorization of Treatment</p> <p>Authorization of Providers</p> | <p>Enacted legislation which, among other things:</p> <ul style="list-style-type: none"> ▪ Extends the Workers' Compensation Board's ("the Board") authority to resolve medical bill disputes. ▪ Provides that, within 45 days after a bill for medical care or supplies has been rendered to the employer, the employer must pay the bill or notify the medical care provider or supplier that the bill is not being paid and explain the reasons for nonpayment. ▪ Provides that the Board's list of preauthorized procedures is issued and maintained for the purpose of expediting authorization of treatment of injured workers, and that the list shall not prohibit varied treatment when the treating provider demonstrates the appropriateness and medical necessity of such treatment. ▪ Contains provisions to guard against employers, carriers or third party administrators ("TPAs") directing medical care, except where authorized by law. ▪ Directs the Board to establish performance standards and fines for violations of such standards for directing medical care. ▪ Adds definitions and amendments with respect to treatment without authorization from the Board's chair. ▪ Provides that any provider licensed pursuant to the education law in the state of New York may provide medical care and treatment in an emergency hospital or urgent care setting without authorization by the Board's chair. ▪ Further information regarding the enacted legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=s1505&term=2019&Summary=Y&Actions=Y&Text=Y | <ul style="list-style-type: none"> ▪ Signed by the Governor on 4/12/19. | <ul style="list-style-type: none"> ▪ 1/1/20 |
| <p>S 2054</p> <p>Reimbursement for Medical Marijuana</p> | <ul style="list-style-type: none"> • Proposed legislation which deems medical marijuana as a prescription drug and would require reimbursement by insurers, including workers' compensation. • Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S02054&term=2019&Summary=Y&Actions=Y&Text=Y | <ul style="list-style-type: none"> ▪ Referred to the Senate Health Committee on 1/22/19. | <ul style="list-style-type: none"> ▪ N/A |

| Legal Activity | Synopsis | Status & Last Action Date | Effective Date |
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| Ohio | | | |
| Managed Care Organizations | <ul style="list-style-type: none"> The Ohio Bureau of Workers' Compensation proposed rules to clarify the ability of managed care organizations to file certain applications, forms and documents. Further information regarding the proposed rules may be viewed at: http://www.registerofohio.state.oh.us/pdfs/phn/4123_NO_325993_20190408_1346.pdf | <ul style="list-style-type: none"> Public hearing was held on 5/14/19. | <ul style="list-style-type: none"> N/A |
| Outpatient Formulary | <ul style="list-style-type: none"> The Ohio Bureau of Workers' Compensation proposed revisions to the outpatient medication formulary Further information regarding the proposed revisions may be viewed at: http://www.registerofohio.state.oh.us/rules/search/details/306015 | <ul style="list-style-type: none"> Public hearing was held on 4/23/19. | <ul style="list-style-type: none"> N/A |
| Fee Schedules Reimbursement Rules | <ul style="list-style-type: none"> The Ohio Bureau of Workers' Compensation adopted revisions to its Professional Provider Medical Services Fee Schedule, and Hospital Inpatient Reimbursement Rules. Further information regarding the adopted revisions may be viewed at: https://www.bwc.ohio.gov/provider/services/FeeSchedules.asp | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> Provider Fees: 1/1/19 Hospital Inpatient Fees: 2/1/19 |
| Oklahoma | | | |
| HB 2367 AMA's Guides to the Evaluation of Permanent Impairment | <ul style="list-style-type: none"> Enacted legislation which, among other things, specifies use of the 6th edition of the American Medical Association's "Guides to the Evaluation of Permanent Impairment" when determining permanent disability ratings. Further information regarding HB 2367 may be viewed through the Oklahoma Legislative bill search page at: http://webserver1.lsb.state.ok.us/WebBillStatus/main.html | <ul style="list-style-type: none"> Signed by the Governor on 5/28/19. | <ul style="list-style-type: none"> 5/28/19 |
| Oregon | | | |
| Medical Fee and Payment Rules | <ul style="list-style-type: none"> The Oregon's Workers' Compensation Division has adopted amendments to its rules governing medical fees, payments, medical services and managed care. Further information regarding the adopted amendments may be viewed at: https://wcd.oregon.gov/laws/Pages/new-rules.aspx | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 4/1/19 |
| HB 3022 Diagnostic Services | <ul style="list-style-type: none"> Proposed legislation which provides that diagnostic services are compensable under workers' compensation law, after an industrial accident or occupational disease has been determined to be compensable, and if diagnostic services are reasonable and necessary to identify nature or extent of medical condition that may be related to industrial accident or occupational disease. Further information regarding the proposed legislation may be viewed at: https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB3022 | <ul style="list-style-type: none"> Passed in the House; pending in the Senate on 5/13/19. | <ul style="list-style-type: none"> N/A |

| Legal Activity | Synopsis | Status & Last Action Date | Effective Date |
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| South Carolina | | | |
| Medical Services Provider Manual | <ul style="list-style-type: none"> The South Carolina Workers' Compensation Commission adopted amendments to the Medical Services Provider Manual. Further information regarding the adopted amendments may be viewed at: https://wcc.sc.gov/sites/default/files/Documents/Main/Insurance_and_Medical_Services/Medical_Services_Division/Medical_Fee_Schedules/MSPM%20Update%20for%202019.pdf | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 4/1/19 |
| Tennessee | | | |
| Medical Fee Schedule | <ul style="list-style-type: none"> The Tennessee Bureau of Workers' Compensation proposed rule amendments to its Medical Fee Schedule which, among other things, makes speech therapy services subject to utilization review after 12 visits. Further information regarding the proposed amendments may be viewed at: https://publications.tnsosfiles.com/rules_filings/11-14-18.pdf | <ul style="list-style-type: none"> Public hearing was held on 1/17/19. | <ul style="list-style-type: none"> N/A |
| Texas | | | |
| HB 387 Work Status Reports | <ul style="list-style-type: none"> Enacted legislation which allows an advanced practice registered nurse to complete and sign a work status report regarding an injured worker's ability to return to work. Further information regarding the enacted legislation may be viewed at: https://capitol.texas.gov/BillLookup/History.aspx?LegSess=86R&Bill=HB387 | <ul style="list-style-type: none"> Signed by the Governor on 6/10/19. | <ul style="list-style-type: none"> 9/1/19 |
| HB 741 Choice of Provider Notice | <ul style="list-style-type: none"> Proposed legislation which requires choice of provider information be added to notices that are sent to injured workers. Further information regarding the proposed legislation may be viewed at: https://capitol.texas.gov/BillLookup/History.aspx?LegSess=86R&Bill=HB741 | <ul style="list-style-type: none"> Passed in the House; referred to the Senate Committee on Business and Commerce on 5/15/19. | <ul style="list-style-type: none"> N/A |
| Utah | | | |
| Medical Fee Standard | <ul style="list-style-type: none"> The Utah Labor Commission, Industrial Accidents Commission, adopted the 2019 version of its Medical Fee Standard. Further information regarding the 2019 Medical Fee Standard may be viewed at: https://laborcommission.utah.gov/media/pdfs/industrialaccidents/pubs/2019MedFeeStandards.pdf | <ul style="list-style-type: none"> Adopted. | <ul style="list-style-type: none"> 1/1/19 |
| Vermont | | | |
| H 14 Medical Marijuana | <ul style="list-style-type: none"> Proposed legislation which extends benefit payments in workers' compensation insurance claims to the prescription of medical marijuana. Further information regarding the proposed legislation may be viewed at: https://legislature.vermont.gov/bill/status/2020/H.14 | <ul style="list-style-type: none"> Referred to the House Committee on Commerce and Economic Development on 1/10/19. | <ul style="list-style-type: none"> N/A |

| Legal Activity | Synopsis | Status & Last Action Date | Effective Date |
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| Virginia | | | |
| Electronic Medical Billing | <ul style="list-style-type: none"> The Virginia Workers' Compensation Commission adopted regulations which establish a process for electronic billing, processing, and payment of medical services and products provided to an injured worker subject to the Virginia Workers' Compensation Act. Further information regarding the adopted regulations may be viewed at: http://www.vwc.state.va.us/sites/default/files/News%20and%20Notices/E-billing%20Reg.%20Proposed%20Final.pdf | <ul style="list-style-type: none"> Adopted on 9/18/18. | <ul style="list-style-type: none"> 7/1/19 |
| Washington | | | |
| Acupuncture | <ul style="list-style-type: none"> The Washington Department of Labor and Industries proposed an amended rule that will allow the agency and self-insured employers to pay for acupuncture to treat injured workers' low back pain. Further information regarding the proposed rule may be viewed at: http://lawfilesexternal.wa.gov/law/wsr/2019/02/19-02-091.htm | <ul style="list-style-type: none"> Public hearing was held on 2/5/19. | <ul style="list-style-type: none"> N/A |
| Wisconsin | | | |
| Treatment Guidelines | <ul style="list-style-type: none"> The Wisconsin Department of Workforce Development published a Statement of Scope that describes a proposed plan to update its treatment guidelines to include new modalities of treatment procedures and treatment options, and expand the guidelines to cover new types and classes of injuries. Further information regarding the proposed amendments may be viewed at: https://docs.legis.wisconsin.gov/code/register/2018/747A3/register/ss/ss_026_18/ss_026_18 | <ul style="list-style-type: none"> Statement was approved by the Governor on 2/26/18. | <ul style="list-style-type: none"> N/A |

This document is presented for informational purposes only. The information contained herein highlights several legislative and regulatory developments and is not intended to represent these developments in their entirety or the entirety of legislative and regulatory developments in the area of workers' compensation law throughout the fifty states. Neither the document nor the information contained herein is intended to be construed as legal advice and should not be considered legal advice. Readers should refer to the full text of the legislation or regulation for additional information and consult with their legal professional(s) regarding the applicability of these laws and regulations to their business operations. This report may not be reproduced, distributed, or copied without the prior written consent of AIG.

