



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 Fee Schedule	<ul style="list-style-type: none"> The Alaska Department of Labor and Workforce Development, Division of Workers' Compensation, scheduled a public hearing to discuss and make recommendations regarding the Medical Fee Schedule for 2021. Further information regarding the Medical Fee Schedule may be viewed at: https://aws.state.ak.us/OnlinePublicNotices/Notices/Attachment.aspx?id=123356 	<ul style="list-style-type: none"> Public hearing was held on 8/11/20. 	<ul style="list-style-type: none"> N/A
Arizona			
Physicians' and Pharmaceutical Fee Schedule	<ul style="list-style-type: none"> The Industrial Commission of Arizona has adopted its 2020/2021 Physicians' and Pharmaceutical Fee Schedule. Further information regarding the adopted fee schedule may be viewed at: https://www.azica.gov/arizona-physicians-fee-schedule-year-selector 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 10/1/20
California			
Medical Treatment Utilization Schedule	<ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") adopted amendments to the Knee Disorders Guideline, Workplace Mental Health Guideline: Depressive Disorders, and Occupational Interstitial Lung Disease Guideline sections of the Medical Treatment Utilization Schedule. Further information regarding the adopted amendments may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/2020/MTUS-Evidence-Based-Updates-June-2020/MTUS-Evidence-Based-Update.htm 	<ul style="list-style-type: none"> Adopted by Order of the Administrative Director on 9/20/20. 	<ul style="list-style-type: none"> 9/21/20.

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Medical Treatment Utilization Schedule	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation ("DWC") adopted amendments to the Antiemetics Guideline section of the Medical Treatment Utilization Schedule. ▪ Further information regarding the adopted amendments may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/2020/MTUS-Evidence-Based-Updates-August-2020/MTUS-Evidence-Based-Update.htm 	<ul style="list-style-type: none"> ▪ Adopted by Order of the Administrative Director on 9/24/20. 	<ul style="list-style-type: none"> ▪ 10/26/20.
Medical- Legal Fee Schedule	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation ("DWC") proposed amendments to its medical-legal fee schedule. ▪ Further information regarding the proposed amendments may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/2020/Medical-Legal-Fee-Schedule/Med-Legal-Fee-Schedule.htm 	<ul style="list-style-type: none"> ▪ Public hearing scheduled for 12/14/20. 	<ul style="list-style-type: none"> ▪ N/A
Hospital Inpatient 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/DIRNews/2020/2020-94.html 	<ul style="list-style-type: none"> ▪ Order was posted on 10/26/20. 	<ul style="list-style-type: none"> ▪ 12/1/20
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. ▪ Further information regarding the order may be viewed at: https://www.dir.ca.gov/DIRNews/2020/2020-91.html 	<ul style="list-style-type: none"> ▪ Order was posted on 10/7/20. 	<ul style="list-style-type: none"> ▪ 10/1/20
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/2020/2020-89.html 	<ul style="list-style-type: none"> ▪ Order was posted on 10/9/20. 	<ul style="list-style-type: none"> ▪ 10/1/20

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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/2020/2020-86.html 	<ul style="list-style-type: none"> ▪ Order was issued on 9/24/20. 	<ul style="list-style-type: none"> ▪ 10/1/20
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/2020/2020-87.html 	<ul style="list-style-type: none"> ▪ Order was posted on 9/30/20. 	<ul style="list-style-type: none"> ▪ 10/1/20
AB 2294 Medical Provider Networks	<ul style="list-style-type: none"> ▪ Proposed legislation which imposes new requirements on medical provider networks. ▪ Further information regarding the proposed legislation may be viewed at: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2294 	<ul style="list-style-type: none"> ▪ Re-referred to Assembly Committee on Insurance on 5/5/20. 	<ul style="list-style-type: none"> ▪ N/A
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 	<ul style="list-style-type: none"> ▪ Signed by the Governor on 10/8/19. 	<ul style="list-style-type: none"> ▪ Various

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Colorado			
Utilization Standards 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 16, Medical Utilization Standards, and Rule 18, Medical Fee Schedule. The proposed amendments, among other things, change the required timeframe of a payer's response to a prior authorization request, and an appeal of a prior authorization request, from 7 business days to 10 calendar days. Further information regarding the adopted amendments may be viewed at: https://cdle.colorado.gov/attorneys/workers-compensation-proposed-and-adopted-rules 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 1/1/21
HB 1154 Independent Medical Examinations	<ul style="list-style-type: none"> Proposed legislation which, among other things, amends provisions regarding independent medical examinations under the Workers' Compensation Act. Further information regarding the proposed legislation may be viewed at: http://leg.colorado.gov/sites/default/files/documents/2020A/bills/2020a_1154_01.pdf 	<ul style="list-style-type: none"> Died at the close of the 2020 Legislative Session. 	<ul style="list-style-type: none"> N/A
Connecticut			
Practitioner Fee Schedule	<ul style="list-style-type: none"> The Chairman of the State of Connecticut Workers' Compensation Commission issued a Memorandum announcing publication of the 2020 Official Connecticut Practitioner Fee Schedule. The Memorandum may be viewed at: https://wcc.state.ct.us/memos/2020/2020-12.htm 	<ul style="list-style-type: none"> Memorandum issued on 7/1/20. 	<ul style="list-style-type: none"> 7/15/20
Florida			
Utilization and Reimbursement Disputes	<ul style="list-style-type: none"> The Department of Financial Services, Division of Workers' Compensation, proposed 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 proposed rules may be viewed at: https://www.flrules.org/gateway/View_Notice.asp?id=23576546 	<ul style="list-style-type: none"> Public hearing was held on 10/7/20. 	<ul style="list-style-type: none"> N/A

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Illinois			
HB 2792 Fee Schedule	Proposed legislation which, among other things: <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
HB 2794 Custom Compound Medications	Proposed legislation which amends the Workers' Compensation Act in relation to custom compound medications, and: <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: http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=108&GA=101&DocTypeID=HB&DocNum=2794&GAID=15&LegID=119048&SpecSess=&Session 	<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
HB 2795 Drug Formulary	<ul style="list-style-type: none"> ▪ Proposed legislation which requires the Illinois Workers' Compensation Commission to promulgate an evidenced-based drug formulary. ▪ Further information regarding the proposed legislation may be viewed at: http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=108&GA=101&DocTypeID=HB&DocNum=2795&GAID=15&LegID=119049&SpecSess=&Session 	<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
HB 4998 Opioid Prescriptions	<ul style="list-style-type: none"> ▪ Proposed legislation which provides that an initial prescription for an opioid may only be issued for a 7-day supply. ▪ Further information regarding the proposed legislation may be viewed at: http://www.ilga.gov/legislation/101/HB/PDF/10100HB4998lv.pdf 	<ul style="list-style-type: none"> ▪ Re-referred to the House Rules Committee on 6/23/20. 	<ul style="list-style-type: none"> ▪ N/A

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Kentucky			
Pharmacy Fee Schedule	<ul style="list-style-type: none"> The Department of Workers' Claims has proposed amendments to its Pharmacy Fee Schedule. Further information regarding the proposed amendments may be viewed at: https://labor.ky.gov/Documents/Proposed%20Amendment%20to%20803%20KAR%2025%20092.pdf 	<ul style="list-style-type: none"> Public hearing scheduled for 1/21/21. 	<ul style="list-style-type: none"> N/A
Hospital Fee Schedule	<ul style="list-style-type: none"> The Department of Workers' Claims has proposed amendments to its Hospital Fee Schedule. Further information regarding the proposed amendments may be viewed at: https://labor.ky.gov/Documents/Notice%20of%20Public%20Hearing%20Regarding%20Proposed%20Changes%20to%20803%20KAR%2025%20091.pdf 	<ul style="list-style-type: none"> Public hearing scheduled for 11/24/20. 	<ul style="list-style-type: none"> N/A
Medical Treatment Guidelines	<ul style="list-style-type: none"> The Commissioner of the Department of Workers' Claims posted an Order suspending the effective date of the adopted medical treatment guidelines until January 1, 2021. The Order may be viewed at: https://content.govdelivery.com/attachments/KYLABOR/2020/06/24/file_attachments/1480913/Administrative%20Order%202020-002.pdf 	<ul style="list-style-type: none"> Order issued on 6/24/30. 	<ul style="list-style-type: none"> 6/24/20
Louisiana			
Medical Treatment Authorization Prescription Refills	<ul style="list-style-type: none"> The Louisiana Workforce Commission, Office of Workers' Compensation Administration, adopted an emergency rule which directs carriers to extend deadlines for medical authorization and prescription refills, not including opioids, during the COV-19 state of emergency. Further information regarding the adopted rule may be viewed at: https://www.doa.la.gov/osr/EMR/2020/2005EMR003.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 3/19/20
Telemedicine	<ul style="list-style-type: none"> The Louisiana Workforce Commission, Office of Workers' Compensation Administration, adopted an emergency rule which provides temporary fee schedule reimbursement codes for telemedicine use during the COV-19 state of emergency. Further information regarding the adopted rule may be viewed at: http://www.laworks.net/Downloads/OWC/Bulletin_2nd_EmergencyRule.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 4/3/20

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Maine			
Facility Fee Schedule	<ul style="list-style-type: none"> The Maine Workers' Compensation Board has updated its Facility Fee Schedule effective 10/1/20. Further information regarding the proposed legislation may be viewed at: https://www.maine.gov/wcb/ 	<ul style="list-style-type: none"> Facility Fee Schedule was updated. 	<ul style="list-style-type: none"> N/A
Minnesota			
Fee Schedule	<ul style="list-style-type: none"> The Minnesota Department of Labor and Industry, Workers' Compensation Division, adopted annual adjustments to its medical fee schedule conversation factors. Further information regarding the adopted adjustments may be viewed at: http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-5221-2020 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 10/1/20
Mississippi			
Telemedicine	<ul style="list-style-type: none"> The Mississippi Workers' Compensation Commission issued a Bulletin which, among other things, extends the timeframe allowing for expanded use of telemedicine services due to the COVID-19 crisis until December 24, 2020. The Bulletin may be viewed at: https://mwcc.ms.gov/pdf/2020_09_30_All_Commission_Policies.pdf 	<ul style="list-style-type: none"> Bulletin was issued on 9/30/20. 	<ul style="list-style-type: none"> 9/30/20
Montana			
Fee Schedule	<ul style="list-style-type: none"> The Montana Department of Labor and Industry adopted amendments to its medical fee schedules for workers' compensation. Further information regarding the adopted amendments may be viewed at: http://erd.dli.mt.gov/work-comp-claims/medical-regulations/montana-work-comp-fee-schedules 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 7/1/20
Drug Formulary	<ul style="list-style-type: none"> The Montana Department of Labor and Industry has proposed to adopt and incorporate by reference updates to its ODG drug formulary. Further information regarding the updates may be viewed at: http://erd.dli.mt.gov/Portals/54/Documents/Work-Comp-Claims/Medical-Regs/Formulary%20Committee/Rule%20Notice.pdf 	<ul style="list-style-type: none"> Public hearing scheduled for 11/30/20. 	<ul style="list-style-type: none"> N/A

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Nebraska			
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"> Died at the close of the 2020 Legislative Session. 	<ul style="list-style-type: none"> N/A
New Jersey			
A 1708 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://legiscan.com/NJ/text/A1708/2020 	<ul style="list-style-type: none"> Pending in the Assembly Appropriations Committee on 10/26/20. 	<ul style="list-style-type: none"> 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_1.PDF 	<ul style="list-style-type: none"> Referred to the Assembly Health Committee on 1/14/20. 	<ul style="list-style-type: none"> N/A
New Mexico			
Provider Fee Schedule	<ul style="list-style-type: none"> The New Mexico Workers' Compensation Administration proposed amendments to its 2021 Health Care Provider Fee Schedule. Further information regarding the proposed amendments may be viewed at: https://workerscomp.nm.gov/Healthcare-Providers 	<ul style="list-style-type: none"> Public hearing was held on 10/29/20. 	<ul style="list-style-type: none"> N/A
New York			
Durable Medical Equipment	<ul style="list-style-type: none"> The New York State Workers' Compensation Board proposed amendments to the Durable Medical Equipment fee schedule and the creation of a prior authorization process. Further information regarding the proposed amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/442_2_DME_FEE_Schedule/ 	<ul style="list-style-type: none"> Comment period ends on 12/20/20. 	<ul style="list-style-type: none"> N/A
Prior Authorization Requests	<ul style="list-style-type: none"> The New York State Workers' Compensation Board proposed amendments to implement an internet portal-based submission and review process for requesting prior approval for medical treatment and care. Further information regarding the proposed amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/324_2_Prior_Auth_Reg/ 	<ul style="list-style-type: none"> Comment period ends on 12/20/20. 	<ul style="list-style-type: none"> N/A

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Telemedicine	<ul style="list-style-type: none"> ▪ The New York State Workers' Compensation Board adopted emergency amendments to allow telemedicine in some circumstances for social distancing purposes due to the outbreak of COVID-19. ▪ Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/Covid-19/ 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 7/20/20
Drug Formulary – Prescription Renewals	<ul style="list-style-type: none"> ▪ The New York State Workers' Compensation Board announced it has modified the Workers' Compensation Drug Formulary to extend the deadline by which all health care providers must obtain prior authorization for renewals of non-formulary medications from June 5, 2020, to January 1, 2021. ▪ The announcement may be viewed at: http://www.wcb.ny.gov/content/main/hcpp/DrugFormulary/formulary-deadline-extended-to-Jan-1-2021.jsp 	<ul style="list-style-type: none"> ▪ Announcement issued. 	<ul style="list-style-type: none"> ▪ N/A
Medical Treatment Guidelines	<ul style="list-style-type: none"> ▪ The New York State Workers' Compensation Board adopted amendments to its Medical Treatment Guidelines to add a Hand, Wrist and Forearm Medical Treatment Guideline and a new Asthma Medical Treatment Guideline. ▪ Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/12NYCRR324_2AsthmaHandWristForearmMTG/ 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 1/1/21
Medical Treatment Guidelines	<ul style="list-style-type: none"> ▪ The New York State Workers' Compensation Board proposed amendments to incorporate new Medical Treatment Guidelines of Post-Traumatic Stress Disorder and Acute Stress Disorder, and Major Depressive Disorder. ▪ Further information regarding the proposed amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/324_2_MTG_PSD_ASD_MDD/ 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 1/1/21
Medical Treatment Guidelines	<ul style="list-style-type: none"> ▪ The New York State Workers' Compensation Board adopted amendments to its Medical Treatment Guidelines to incorporate four guidelines by reference: Hip/Groin, Foot/Ankle, Elbow, and Occupational Interstitial Lung Disease. ▪ Further information regarding the adopted amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/Rev-MTG-Amendment-324-2/ 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 1/1/21

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A 864 Pharmacy Choice	<ul style="list-style-type: none"> ▪ Proposed legislation which prohibits an employer/ carrier from refusing to allow a claimant to utilize a pharmacy of his or her choice to furnish the prescribed medications required by the claimant as long as such pharmacy's charges are below the pharmaceutical fee schedule. ▪ Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A864&term=0&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> ▪ Referred to the Assembly Committee on Labor on 1/8/20. 	<ul style="list-style-type: none"> ▪ N/A
A 1250 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=%0D%0A&leg_video=&bn=a1250&term=2019&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> ▪ Referred to the Assembly Committee on Labor on 1/8/20. 	<ul style="list-style-type: none"> ▪ N/A
S 3969A (A 3753A) 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"> ▪ Passed in the Senate on 7/21/20. Referred to the Assembly Labor Committee on 7/21/20. 	<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 1/8/20. 	<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 1/8/20. 	<ul style="list-style-type: none"> ▪ N/A

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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 1/8/20. 	<ul style="list-style-type: none"> ▪ N/A
A 2679 Pre-Authorized Treatment Procedures	<ul style="list-style-type: none"> ▪ Proposed legislation which amends provisions regarding pre-authorized procedures for the treatment of injured workers under workers' compensation law. ▪ Further information regarding the proposed legislation may be viewed at: https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A2679&term=2019&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> • Referred to the Assembly Committee on Labor on 1/8/20. 	<ul style="list-style-type: none"> ▪ N/A
A 7045 (S 5302) Medical Payment Disputes Treatment Guidelines	<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 1/8/20. 	<ul style="list-style-type: none"> ▪ N/A
A 8117 (S 7245) 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=%0D%0A&leg_video=&bn=S7245&term=2019&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> ▪ Recommitted to the Assembly Labor Committee on 5/28/20. 	<ul style="list-style-type: none"> ▪ N/A
S 2054 Reimbursement for Medical Marijuana	<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 1/8/20. 	<ul style="list-style-type: none"> ▪ N/A

Legal Activity	Synopsis	Status & Last Action Date	Effective Date
S 5421 Massage Therapists	<ul style="list-style-type: none"> Passed legislation which authorizes treatment of workers' compensation injuries by a duly licensed massage therapist. Further information regarding the passed legislation may be viewed at: https://assembly.state.ny.us/leg/?default_fld=%0D%0A&leg_video=&bn=S5421&term=0&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> Pending in the Senate on 7/22/20. 	<ul style="list-style-type: none"> N/A
Ohio			
Formulary	<ul style="list-style-type: none"> The Ohio Bureau of Workers' Compensation adopted rules which, among other things, amend its outpatient medication formulary. Further information regarding the adopted rules may be viewed at: https://www.bwc.ohio.gov/downloads/blankpdf/PharmacyRulesReview.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 9/1/20
Oklahoma			
Medical Fee Schedule	<ul style="list-style-type: none"> The Oklahoma Workers' Compensation Commission adopted changes to its Medical Fee Schedule. Further information regarding the adopted changes may be viewed at: https://www.ok.gov/wcc/Medical/index.html 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 7/1/20
Independent Medical Examinations	<p>The Oklahoma Workers' Compensation Commission ("WCC") adopted rule amendments which, among other things:</p> <ul style="list-style-type: none"> Modify the qualifications for a person seeking appointment by the WCC as an independent medical examiner. Allow the WCC to deviate from its reimbursement schedule for independent medical examiner testimony when good cause is shown. Further information regarding the adopted rule amendments may be viewed at: https://www.ok.gov/wcc/documents/Title%20810%20Proposed%20Permanent%20Rules-%20WCC%202020.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 9/11/20
SB 1375 Chiropractic Care	<ul style="list-style-type: none"> Enacted legislation which adds chiropractic services to allowable medical treatment. Further information regarding the enacted legislation may be viewed at: http://www.oklegislature.gov/BillInfo.aspx?Bill=SB1375 	<ul style="list-style-type: none"> Signed by the Governor on 5/18/20. 	<ul style="list-style-type: none"> 11/1/20
Oregon			
Medical Fee Schedule	<ul style="list-style-type: none"> The Oregon Workers' Compensation Division adopted updates to its Medical Fee Schedule regarding COVID-19 testing and telehealth services. Further information regarding the adopted updates may be viewed at: https://wcd.oregon.gov/laws/Documents/New_rules/9-20060-new.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 9/21/20

Legal Activity	Synopsis	Status & Last Action Date	Effective Date
Pennsylvania			
SB 507 Opioid Prescriptions	<ul style="list-style-type: none"> Proposed legislation which limits opioid prescriptions to an average daily dosage of 100 morphine milligram equivalents, with certain exceptions. Further information regarding the proposed legislation may be viewed at: https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sesYr=2019&sessInd=0&billBody=S&billTyp=B&billNbr=0507&pn=0539 	<ul style="list-style-type: none"> Referred to Senate Committee on Consumer Protection and Professional Licensure on 4/3/19. 	<ul style="list-style-type: none"> N/A
HB 1784 Direction of Care	<ul style="list-style-type: none"> Proposed legislation which, among other things, requires an injured worker to utilize a provider panel network, chosen by the employer, beyond the first 90 days of treatment, which is the current law. Further information regarding the proposed legislation may be viewed at: https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sesYr=2019&sessInd=0&billBody=H&billTyp=B&billNbr=1784&pn=2374 	<ul style="list-style-type: none"> Referred to the House Committee on Labor and Industry on 8/30/19. 	<ul style="list-style-type: none"> N/A
Rhode Island			
SB 2915 Provider Bills, Status Reports	<ul style="list-style-type: none"> Enacted legislation which, among other things, changes the frequency from every 12 weeks, to every 10 weeks, with which an employee's medical provider must render bills and status reports, concerning actual and anticipated medical treatment plans. Further information regarding the enacted legislation may be viewed at: http://webserver.rilin.state.ri.us/BillText/BillText20/SenateText20/S2915.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 7/22/20. 	<ul style="list-style-type: none"> 7/22/20
South Dakota			
Provider Fee Schedule	<ul style="list-style-type: none"> The South Dakota Department of Labor and Regulation adopted amendments to its Workers' Compensation Provider Fee Schedule. Further information regarding the adopted amendments may be viewed at: http://statelink.stateside.com/Attachments/22899_591_AdminOriginalDraft.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 10/14/20
Texas			
Medical Fee Dispute Resolution	<ul style="list-style-type: none"> The Texas Department of Insurance, Division of Workers' Compensation, proposed rule amendments which allow health care providers and pharmacy processing agents to electronically submit requests for medical fee dispute resolution (MFDR) Further information regarding the adopted rules may be viewed at: https://www.tdi.texas.gov/wc/rules/proposedrules/documents/pmfr0920.pdf 	<ul style="list-style-type: none"> Comment period ended on 11/9/20. 	<ul style="list-style-type: none"> N/A

Legal Activity	Synopsis	Status & Last Action Date	Effective Date
Physician Reviewer Credentials	<ul style="list-style-type: none"> The Texas Department of Insurance, Division of Workers' Compensation, proposed rule amendments to align with the enacted legislation of SB 1742, which requires a physician who performs a peer review, utilization review, or independent review of health care services to have the same or similar specialty as the physician that requests or performs the health care services. Further information regarding the adopted rules may be viewed at: https://www.tdi.texas.gov/wc/rules/proposedrules/documents/pr18011102.pdf 	<ul style="list-style-type: none"> Comment period ended on 12/28/20. 	<ul style="list-style-type: none"> N/A
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"> Died at the close of the 2020 Legislative Session. 	<ul style="list-style-type: none"> N/A
H 174 Opioid Prescriptions	<ul style="list-style-type: none"> Proposed legislation which, among other things, limits initial opioid prescriptions for acute pain to a 7-day supply with an average daily dosage of 50 morphine milligram equivalents, with certain exceptions. Further information regarding the proposed legislation may be viewed at: https://legislature.vermont.gov/Documents/2020/Docs/BILLS/H-0174/H-0174%20As%20Introduced.pdf 	<ul style="list-style-type: none"> Died at the close of the 2020 Legislative Session. 	<ul style="list-style-type: none"> N/A
Washington			
Medical Aid Rules And Fee Schedules	<ul style="list-style-type: none"> The Washington Department of labor and Industries has published the 2020 edition of the Medical Aid Rules and Fee Schedules (MARFS), effective 10/1/20. Further information regarding the 2020 MARFS may be viewed at: https://lni.wa.gov/patient-care/billing-payments/fee-schedules-and-payment-policies/policy-2020?utm_medium=email&utm_source=govdelivery 	<ul style="list-style-type: none"> Fee Schedules published. 	<ul style="list-style-type: none"> 10/1/20

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.



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