



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

Legislation	Synopsis	Status & Last Action Date	Effective Date
Alabama			
Hospital and Ambulatory Surgery Center Fee Schedules	<ul style="list-style-type: none"> The Alabama Workers' Compensation Division published an addendum ("Addendum #3") to its 2018 fee schedule, which contains updates to the hospital and ambulatory surgery center fee schedules. Further information regarding the addendum may be viewed at: https://labor.alabama.gov/wc/2018FeeSchedules.aspx 	<ul style="list-style-type: none"> Fee schedule addendum published on 7/6/18. 	<ul style="list-style-type: none"> 7/6/18
Alaska			
SB 112 ACOEM Guidelines	<ul style="list-style-type: none"> Proposed legislation which, among other things, adopts the American College of Occupational and Environmental Medicine (ACOEM) guidelines for treatment of injured workers. Further information regarding the proposed legislation may be viewed at: http://www.akleg.gov/basis/Bill/Detail/30?Root=sb112#tab6_4 	<ul style="list-style-type: none"> Died at the close of the 2018 Legislative Session. 	<ul style="list-style-type: none"> N/A
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

Legislation	Synopsis	Status & Last Action Date	Effective Date
Physicians' and Pharmaceutical Fee Schedule	<ul style="list-style-type: none"> The Industrial Commission of Arizona announced it will hold a public hearing to consider the proposed 2018 Physicians' and Pharmaceutical Fee Schedule. The Notice of Hearing may be viewed at: https://www.azica.gov/sites/default/files/Notice%20of%20Fee%20Schedule%20Hearing%20-%20April%2026%202018.pdf The Staff Recommendations Report may be viewed at: https://www.azica.gov/sites/default/files/media/2018%20Fee%20Schedule%20Staff%20Proposal%20and%20Request%20for%20Public%20Comment%20.pdf 	<ul style="list-style-type: none"> Public hearing was held on 4/26/18. 	<ul style="list-style-type: none"> N/A
Official Disability Guidelines Authorization Process for the Use of Evidence Based Treatment Guidelines	<p>The Industrial Commission of Arizona adopted amendments to its rules regarding its authorization process for treatment for injured workers to:</p> <ul style="list-style-type: none"> Extend the applicability of the Official Disability Guidelines (“ODG”) to all body parts and conditions. Require mandatory use of a Medical Treatment Pre-Authorization form by providers and payers when a provider requests preauthorization. Shorten the time payers have to respond to a request for authorization to 7 business days from the current 10. Further information regarding the adopted rule amendments may be viewed beginning on page 2072 of the July 27, 2018 edition of the Arizona Register at: https://apps.azsos.gov/public_services/register/2018/30/contents.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 10/1/18
SB 1001 Opioid Prescribing	<p>Enacted legislation which, among other things:</p> <ul style="list-style-type: none"> Limits initial opioid prescriptions, in most cases, to a 5-day supply except following surgery, which is limited to a 14-day supply. Limits new opioid prescriptions to 90 morphine milligram equivalents per day, with certain exceptions. Further information regarding the enacted legislation may be viewed at: https://apps.azleg.gov/BillStatus/GetDocumentPdf/456564 	<ul style="list-style-type: none"> Signed by the Governor on 1/26/18. 	<ul style="list-style-type: none"> 4/26/18

Arkansas

Drug Formulary	<p>The Arkansas Workers' Compensation Commission (“AWCC”) adopted a new rule which:</p> <ul style="list-style-type: none"> Establishes a drug formulary for all FDA approved drugs prescribed for an accepted new workers' compensation claim filed after July 1, 2018. Establishes a process for filling workers' compensation prescriptions, reviewing and prescribing Opioid medications, and implements a dispute resolution process between a provider and the reviewing pharmacists or PBM. Establishes a process for appealing to the AWCC, a process for rule review and establishes the effective date of implementation. The adopted rule may be viewed at: http://www.awcc.state.ar.us/rules/rule099_41.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 7/1/18
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California			
Physician Fee Schedule	<ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") proposed amendments to the Physician Fee Schedule portion of its Official Medical Fee Schedule. Further information regarding the proposed amendments may be viewed at: http://www.dir.ca.gov/dwc/DWCPropRegs/OMFS-Table-A/Notice.pdf 	<ul style="list-style-type: none"> Public hearing was held on 4/17/18. 	<ul style="list-style-type: none"> N/A
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/DIRNews/2018/2018-48.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 7/1/18
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/DIRNews/2018/2018-64.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 7/1/18
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/DIRNews/2018/2018-43.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 7/1/18
Medical Treatment Utilization Schedule	<ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") proposed evidence-based updates to the Medical Treatment Utilization Schedule (MTUS). Further information regarding the proposed updates may be viewed at: https://www.dir.ca.gov/dwc/DWCPropRegs/MTUS-Evidence-Based-Updates/MTUS-Evidence-Based-Updates.htm 	<ul style="list-style-type: none"> Public hearing was held on 7/18/18. 	<ul style="list-style-type: none"> N/A
<i>King v. CompPartners, Inc.</i> , Cal., WL 4017874, (S232197, filed August 23, 2018) Utilization Review	<ul style="list-style-type: none"> The California Supreme Court issued an opinion which held that workers' compensation law provides the exclusive remedy for the injuries sustained by the employee in this case, and thus preempts the employee's tort claims regarding an adverse utilization review decision, the content of that decision, and the manner of communicating that decision. The <i>King</i> opinion may be viewed at: http://www.courts.ca.gov/opinions/documents/S232197.PDF 	<ul style="list-style-type: none"> Opinion issued on 8/23/18. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
Colorado			
Utilization Standards	<ul style="list-style-type: none"> The Colorado Department of Labor and Employment, Division of Workers' Compensation, proposed amendments to its Rule 16, Medical Utilization Standards. Further information regarding the proposed amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_16_Proposed_2019.pdf 	<ul style="list-style-type: none"> Public hearing was held on 8/14/18. 	<ul style="list-style-type: none"> N/A
Medical Fee Schedule	<ul style="list-style-type: none"> The Colorado Department of Labor and Employment, Division of Workers' Compensation, proposed amendments to its Rule 18, Medical Fee Schedule. Further information regarding the proposed amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_18_Proposed_2019.pdf 	<ul style="list-style-type: none"> Public hearing was held on 8/14/18. 	<ul style="list-style-type: none"> N/A
Division Independent Medical Examinations	<ul style="list-style-type: none"> The Colorado Department of Labor and Employment, Division of Workers' Compensation, proposed amendments to its Rule 11, Division Independent Medical Examinations. Further information regarding the proposed amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_11_Proposed_2018.pdf 	<ul style="list-style-type: none"> Public hearing was held on 4/25/18. 	<ul style="list-style-type: none"> N/A
SB 18-022 Opioid Prescribing	<ul style="list-style-type: none"> Enacted legislation which, among other things, limits an initial opioid prescription to a 7-day supply, with certain exceptions. Further information regarding the enacted legislation may be viewed at: http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_022_signed.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 5/21/18. 	<ul style="list-style-type: none"> 5/21/18
Connecticut			
Practitioner Fee Schedule	<ul style="list-style-type: none"> The Chairman of the State of Connecticut Workers' Compensation Commission issued a Memorandum which announces the 2018 Practitioner Fee Schedule, effective for medical services rendered on or after July 15, 2018, regardless of the date of injury. The Memorandum may be viewed at: https://wcc.state.ct.us/memos/2018/2018-05.htm 	<ul style="list-style-type: none"> Memorandum issued on 6/29/18. 	<ul style="list-style-type: none"> 7/15/18
Florida			
Fee Schedules	<ul style="list-style-type: none"> The Florida Department of Financial Services, Division of Worker's Compensation, will hold a meeting to adopt the 2018 schedules for maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, and ambulatory surgical centers. Further information regarding the fee schedule meeting may be viewed at: https://www.flrules.org/gateway/View_Notice.asp?id=20703115 	<ul style="list-style-type: none"> Rule workshop was held on 8/24/18. 	<ul style="list-style-type: none"> N/A

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Utilization and Reimbursement Disputes	<ul style="list-style-type: none"> Proposed rules which, among other things, 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=20694482 	<ul style="list-style-type: none"> Public hearing was held on 8/15/18. 	<ul style="list-style-type: none"> N/A
HB 21 Opioid Prescribing	<ul style="list-style-type: none"> Enacted legislation which, among other things, establishes prescribing restrictions for Schedule II opioid drugs. Further information regarding the enacted legislation may be viewed at: http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=60136 	<ul style="list-style-type: none"> Signed by the Governor on 3/19/18. 	<ul style="list-style-type: none"> 7/1/18
Georgia			
Medical Fee Schedule	<ul style="list-style-type: none"> The Georgia State Board of Workers' Compensation updated its Medical Fee Schedule effective 4/1/18. Further information regarding the updated fee schedule may be viewed at: https://sbwc.georgia.gov/april-1-2018-medical-fee-schedule-updates 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 4/1/18
Hawaii			
HB 1631 Prescription Drugs Dispensing and Reimbursement	<ul style="list-style-type: none"> Proposed legislation which lowers the reimbursement rates of prescription drugs and limits physician-dispensed prescription drugs in workers' compensation claims. Further information regarding the proposed legislation may be viewed at: https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1631&year=2018 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A
HB 2202 Qualifications of Treating Physician	<p>Proposed legislation which:</p> <ul style="list-style-type: none"> Provides that a duly qualified physician or duly qualified surgeon selected and paid for by an employer to perform a medical examination on an employee relating to a work injury under workers' compensation be duly qualified to treat the injury being examined. Requires such physician to possess medical malpractice insurance, and owe the same duty of care to the injured employee as to a traditional patient. Defines "duly qualified" as a doctor whose specialty is appropriate for the injury to be examined. Further information regarding the proposed legislation may be viewed at: https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2202&year=2018 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A

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HB 980 Independent Medical Examination Permanent Impairment Rating	Proposed legislation which: <ul style="list-style-type: none"> Provides that an independent medical examination and permanent impairment rating examination shall be conducted by a qualified chiropractor or physician selected by the mutual agreement of the parties. Provides a process for appointment in the event that there is no mutual agreement. Further information regarding the proposed legislation may be viewed at: http://www.capitol.hawaii.gov/session2017/bills/HB980_.pdf 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A
SB 2244 Opioid Prescribing Risks	Adopted legislation which: <ul style="list-style-type: none"> Beginning 7/1/19, requires health care providers in the workers' compensation system who are authorized to prescribe opioids to adopt and maintain policies for informed consent to opioid therapy in circumstances that carry elevated risk of dependency. Establishes limits for concurrent opioid and benzodiazepine prescriptions. Further information regarding the adopted legislation may be viewed at: https://www.capitol.hawaii.gov/session2018/bills/SB2244_CD1_.htm 	<ul style="list-style-type: none"> Signed by the Governor on 7/11/18. 	<ul style="list-style-type: none"> 7/11/18
SB 2358 Physician Dispensed Drugs	Proposed legislation which: <ul style="list-style-type: none"> Limits physician-dispensed prescription drugs in workers' compensation claims to the first 30 days from the work injury date. Lowers the reimbursement rates of prescription drugs in workers' compensation claims. Further information regarding the proposed legislation may be viewed at: https://www.capitol.hawaii.gov/session2018/bills/SB2358_SD1_.htm 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A
Illinois			
HB 0200 SB 0198 Drug Formulary Utilization Review	Proposed legislation which, among other things, <ul style="list-style-type: none"> Requires the Illinois Workers' Compensation Commission to create by rule an evidence based drug formulary. Provides for utilization review of prescriptions outside of the formulary. Further information regarding HB 0200 may be viewed at: http://www.ilga.gov/legislation/100/HB/10000HB0200ham001.htm Further information regarding SB 0198 may be viewed at: http://www.ilga.gov/legislation/100/SB/10000SB0198sam001.htm 	<ul style="list-style-type: none"> HB0200: Pending in the House on 8/4/17. SB 1098: Pending in the Senate on 8/4/17. 	<ul style="list-style-type: none"> N/A
HB 2892 Prescriptions	<ul style="list-style-type: none"> Proposed legislation which establishes limitations on filling and dispensing prescriptions outside of a licensed pharmacy. Further information regarding the proposed legislation may be viewed at: http://www.ilga.gov/legislation/100/HB/PDF/10000HB2892lv.pdf 	<ul style="list-style-type: none"> Re-referred to the Senate Rules Committee on 3/31/17. 	<ul style="list-style-type: none"> N/A

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SB 0012 Drug Formulary Utilization Review Reimbursement	<p>Proposed reform legislation, which amends the Workers' Compensation Act, and among other things:</p> <ul style="list-style-type: none"> Establishes limitations on the number of chiropractic, occupational therapy, or physical therapy visits an injured worker may receive. Provides for maximum allowable payments for certain service categories. Requires the Illinois Workers' Compensation Commission to create by rule an evidence based drug formulary. Provides for utilization review of prescriptions outside of the formulary. Creates a Medicare-based fee schedule. Further information regarding the proposed legislation may be viewed at: http://www.ilga.gov/legislation/BillStatus.asp?DocNum=12&GAID=14&DocTypeID=SB&LegId=98855&SessionID=91&GA=100 	<ul style="list-style-type: none"> Re-referred to the Senate Committee on Assignments on 8/4/17. 	<ul style="list-style-type: none"> N/A
SB 1309 Utilization Review	<p>Proposed reform legislation which amends the Workers' Compensation Act, and among other things:</p> <ul style="list-style-type: none"> Requires the Illinois Workers' Compensation Commission to establish a mechanism to enforce providers' compliance with clinical reporting requirements in support of a request for treatment. Further information regarding the proposed legislation may be viewed at: http://www.ilga.gov/legislation/100/SB/PDF/10000SB1309lv.pdf 	<ul style="list-style-type: none"> Referred to the Senate Committee on Assignments on 3/17/17. 	<ul style="list-style-type: none"> N/A
Indiana			
Nurse Case Managers	<ul style="list-style-type: none"> The Workers' Compensation Board of Indiana issued Nurse Case Manager Guidelines which provide guidance regarding the role of the nurse case manager in the Indiana worker's compensation arena. Further information regarding the Nurse Case Manager Guidelines may be viewed at: https://www.in.gov/wcb/2585.htm 	<ul style="list-style-type: none"> Guidelines issued. 	<ul style="list-style-type: none"> N/A
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
Iowa			
SF 2185 Predesignation of Physician	<p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none"> Allows an employee to predesignate a physician for treatment of an injury. Requires an employer to provide notice of an employee's right to predesignate a physician. Allows the employee to choose any physician to provide treatment if the employer fails to provide such notice. Further information regarding the proposed legislation may be viewed at: https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SF2185 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A

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SF 2305 Choice of Physician	<ul style="list-style-type: none"> Proposed legislation which, among other things, provides that the employer retains the right to choose the employee's care for all services throughout the course of treatment. Further information regarding the proposed legislation may be viewed at: https://www.legis.iowa.gov/docs/publications/LGR/87/SF2305.pdf 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A
Kansas			
SB 403 Choice of Provider	<ul style="list-style-type: none"> Proposed legislation which allows injured workers to choose their physicians. Further information regarding the proposed legislation may be viewed at: http://kslegislature.org/li/b2017_18/measures/documents/sb403_00_0000.pdf 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A
<i>Johnson v. US Food Service</i> , Kan. Ct. App., WL 3679941, (No. 117,725, filed August 3, 2018) AMA's Guides to the Evaluation of Permanent Impairment	<ul style="list-style-type: none"> The Kansas Court of Appeals issued an opinion which held that the workers' compensation statutes requiring use of the 6th Edition of the American Medical Association ("AMA") Guides to assign disability ratings violates due process and no longer provides an adequate remedy for injured workers who suffer permanent impairment on or after January 1, 2015. The court struck the statutory provisions mandating use of the 6th Edition, effectively reinstating the AMA Guides' 4th Edition. The <i>Johnson</i> opinion may be viewed at: http://www.kscourts.org/Cases-and-Opinions/opinions/CtApp/2018/20180803/117725.pdf 	<ul style="list-style-type: none"> Opinion issued on 8/3/18. 	<ul style="list-style-type: none"> N/A
HB 2059 AMA's Guides to the Evaluation of Permanent Impairment	<ul style="list-style-type: none"> Proposed legislation which, among other things, repeals the requirement to use the 6th edition of the AMA's Guides to the Evaluation of Permanent Impairment and reverts back to the requirement to use the 4th edition. Further information regarding the proposed legislation may be viewed at: http://www.kslegislature.org/li/b2017_18/measures/documents/hb2059_00_0000.pdf 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A
Kentucky			
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: http://www.lrc.ky.gov/record/18RS/HB2.htm 	<ul style="list-style-type: none"> Signed by the Governor on 3/30/18. 	<ul style="list-style-type: none"> Various
Louisiana			
HB 257 Appeal of Medical Director Decision Denying Treatment	<ul style="list-style-type: none"> Proposed legislation which, among other things, creates a 30 day deadline to file an appeal from a decision of the Medical Director of the Office of Workers' Compensation denying requested treatment or testing. Further information regarding the proposed legislation may be viewed at: http://www.legis.la.gov/legis/ViewDocument.aspx?d=1069643 	<ul style="list-style-type: none"> Died at the close of the 2018 Legislative Session. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
SB 180 Tort Liability	<ul style="list-style-type: none"> Proposed legislation which provides for tort liability for a worker's compensation insurer that causes further injury through the unreasonable denial of medical treatment to an injured worker. Further information regarding the proposed legislation may be viewed at: http://www.legis.la.gov/legis/ViewDocument.aspx?d=1069979 	<ul style="list-style-type: none"> Died at the close of the 2018 Legislative Session. 	<ul style="list-style-type: none"> N/A
Michigan			
Health Care Services	<ul style="list-style-type: none"> Proposed rule amendments which update fee schedules for reimbursement to providers for treatment of injured workers and guide providers and payers on the scope of reimbursement. Further information regarding the proposed rule amendments may be viewed at: https://www.michigan.gov/documents/wca/2018-017_LR_-_HCS_Public_Hearing_Notice__629784_7.pdf 	<ul style="list-style-type: none"> Public hearing was held on 8/24/18. 	<ul style="list-style-type: none"> N/A
SB 274 Opioid Prescribing	<ul style="list-style-type: none"> Enacted legislation which, among other things, limits opioid prescribing for acute pain to a 7- day supply, beginning on 7/1/18. Further information regarding the enacted legislation may be viewed at: http://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2017-PA-0251.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 12/28/17. 	<ul style="list-style-type: none"> 7/1/18
Minnesota			
Vocational Rehabilitation	<ul style="list-style-type: none"> The Minnesota Department of Labor and Industry, Workers' Compensation Division, proposed amendments to its rules regarding Rehabilitation Services. Further information regarding the proposed amendments may be viewed at: http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-5220 	<ul style="list-style-type: none"> Comment period ended 5/31/18. 	<ul style="list-style-type: none"> N/A
Missouri			
SB 826 Opioid Prescribing	<ul style="list-style-type: none"> Enacted legislation which, among other things, limits opioid prescribing for acute pain to a 7- day supply, with certain exceptions. Further information regarding the enacted legislation may be viewed at: https://www.senate.mo.gov/18info/pdf-bill/tat/SB826.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 7/9/18. 	<ul style="list-style-type: none"> 7/9/18
SB 601 Medical Fee Schedule	<ul style="list-style-type: none"> Proposed legislation which requires the Division of Workers' Compensation to establish a medical fee schedule, with a proposed 1/1/19 effective date, that sets forth the maximum fee that a healthcare provider may charge for treatment and care. Further information regarding the proposed legislation may be viewed at: http://www.senate.mo.gov/18info/BTS_Web/Bill.aspx?SessionType=R&BillID=69471869 	<ul style="list-style-type: none"> Died at the close of the 2018 Legislative Session. 	<ul style="list-style-type: none"> N/A

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Nebraska			
LB 408 Drug Formulary	<ul style="list-style-type: none"> Proposed legislation which provides for adoption of an evidence-based drug formulary prescribed and dispensed for outpatient use in connection with workers' compensation claims with a date of injury on or after 1/1/18. Further information regarding the proposed legislation may be viewed at: http://nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LB408.pdf 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A
New Hampshire			
SB 352 Independent Medical Examination	<ul style="list-style-type: none"> Proposed legislation which allows an injured employee covered under workers' compensation who is dissatisfied with a determination by the employer or the employer's insurance carrier to obtain an independent examination. Current law limits this option to injured employees covered by a managed care organization. Further information regarding the proposed legislation may be viewed at: http://gencourt.state.nh.us/bill_status/billText.aspx?id=1921&txtFormat=html&sy=2018 	<ul style="list-style-type: none"> Died at the close of the 2018 Legislative Session. 	<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 seven-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_11.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 proposed amendments to update the fees paid for medical treatment in workers' compensation claims. Further information regarding the proposed amendments may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/MedicalFeeSchedule/MedicalFeeSchedule.jsp 	<ul style="list-style-type: none"> Comment period ended on 8/6/18. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
Medical Authorization Request Forms	<ul style="list-style-type: none"> The New York State Workers' Compensation Board announced they have revised their Medical Authorization Request forms. Further information regarding the revised forms may be viewed at: http://www.wcb.ny.gov/content/main/SubjectNos/sn046_1048.jsp 	<ul style="list-style-type: none"> Announcement issued on 4/6/18. 	<ul style="list-style-type: none"> 4/6/18
Drug Formulary	<ul style="list-style-type: none"> The New York State Workers' Compensation Board proposed regulations which establish a prescription drug formulary, with a proposed effective date of 7/1/18. Further information regarding the formulary may be viewed at: http://www.wcb.ny.gov/drug-formulary-regulation/ 	<ul style="list-style-type: none"> Comment period ended on 2/26/18. 	<ul style="list-style-type: none"> N/A
A 8387 S 8812 Independent Medical Examiners Board Authorization Process for Providers	<p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none"> Allows nurse practitioners and social workers to perform independent medical exams in limited circumstances. Removes the requirement that a medical society recommend doctors to be authorized by the board for workers' compensation treatment. Further information regarding the proposed legislation may be viewed at: http://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A08387&term=0&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> Pending in the Assembly Committee on Labor on 6/18/18. 	<ul style="list-style-type: none"> N/A
A1396 Occupational Therapy Assistant	<ul style="list-style-type: none"> Proposed legislation which authorizes treatment of workers' compensation injuries by an occupational therapy assistant. Further information regarding the proposed legislation may be viewed at: https://www.nysenate.gov/legislation/bills/2017/A1396 	<ul style="list-style-type: none"> Passed in the Assembly, referred to the Senate Labor Committee on 1/29/18. 	<ul style="list-style-type: none"> N/A
A 3877 Social Worker Treatment	<ul style="list-style-type: none"> Proposed legislation which authorizes the care and treatment of injured employees by licensed social workers under the workers' compensation program. Further information regarding the proposed legislation may be viewed at: https://www.nysenate.gov/legislation/bills/2017/A3877 	<ul style="list-style-type: none"> Referred to the Assembly Committee on Labor on 1/3/18. 	<ul style="list-style-type: none"> N/A
S 3434 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://www.nysenate.gov/legislation/bills/2017/S3434 	<ul style="list-style-type: none"> Referred to the Senate Committee on Labor on 1/3/18. 	<ul style="list-style-type: none"> N/A
S 0406 Massage Therapy	<ul style="list-style-type: none"> Proposed legislation which authorizes certain care and treatment of injured employees receiving workers' compensation benefits relating to massage therapy services. Further information regarding the proposed legislation may be viewed at: https://www.nysenate.gov/legislation/bills/2017/s406/amendment/original 	<ul style="list-style-type: none"> Referred to the Senate Committee on Labor on 1/3/18. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
S 6436 Choice of Pharmacy	<ul style="list-style-type: none"> Proposed legislation which authorizes workers' compensation claimants to use any in-state pharmacy that is registered with the New York State Education Department. Further information regarding the proposed legislation may be viewed at: https://www.nysenate.gov/legislation/bills/2017/S6436 	<ul style="list-style-type: none"> Referred to the Senate Committee on Labor on 1/3/18. 	<ul style="list-style-type: none"> N/A
North Carolina			
Medical Motions	<ul style="list-style-type: none"> The North Carolina Industrial Commission proposed amendments which would require parties to file medical motions and related responses in the commission's Electronic Document Filing Portal. Further information regarding the proposed amendments may be viewed at: http://www.ic.nc.gov/081518NoticeofGroup1Rulemaking.pdf 	<ul style="list-style-type: none"> Public hearing is scheduled for 9/26/18. 	<ul style="list-style-type: none"> N/A
Ambulatory Surgery Center Fee Schedule	<ul style="list-style-type: none"> The North Carolina Industrial Commission announced that the amendments to its Medical Fee Schedule adopted on October 19, 2017 are effective for dates of service on or after June 1, 2018. Further information regarding the adopted fee schedule may be viewed at: http://www.ic.nc.gov/11NCAC23J0103.pdf 	<ul style="list-style-type: none"> Announcement issued. 	<ul style="list-style-type: none"> 6/1/18
Opioid Prescribing Guidelines	<ul style="list-style-type: none"> Adopted amendments which establish rules for the utilization of opioids, related prescriptions, and pain management treatment in workers' compensation claims. Further information regarding the adopted amendments may be viewed at: http://www.ic.nc.gov/OpioidRulesResourcePage.html 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 5/1/18
Ohio			
Outpatient Formulary	<ul style="list-style-type: none"> The Ohio Bureau of Workers' Compensation proposed revisions to the outpatient medication formulary by amending coverage to the drug products listed in the formulary. Further information regarding the proposed revisions may be viewed at: http://www.registerofohio.state.oh.us/pdfs/phn/4123_NO_319328_20180213_0859.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 5/1/18
Professional Provider Medical Services Fee Schedule	<ul style="list-style-type: none"> The Ohio Bureau of Workers' Compensation proposed revisions to its Professional Provider Medical Services Fee Schedule with a proposed effective date of 1/1/19. Further information regarding the proposed revisions may be viewed at: https://www.bwc.ohio.gov/provider/services/FeeSchedules.asp 	<ul style="list-style-type: none"> Comment period ended on 8/31/18. 	<ul style="list-style-type: none"> N/A
Oklahoma			
HB 3277 Prescription Reimbursement	<ul style="list-style-type: none"> Proposed legislation which, among other things, revise workers' compensation reimbursement rates for prescription drugs and compounded medications. Further information regarding the proposed legislation may be viewed at: http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20ENGR/hB/HB3277%20ENGR.PDF 	<ul style="list-style-type: none"> Died at the close of the 2018 legislative session. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
SB 1446 Opioid Prescribing	<ul style="list-style-type: none"> Enacted legislation which, among other things, limits initial prescriptions of opioids for acute pain to a 7-day supply of the lowest effective dose of an immediate-release opioid. Further information regarding the proposed legislation may be viewed at: https://legiscan.com/OK/text/SB1446/id/1787530/Oklahoma-2018-SB1446-Enrolled.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 5/2/18. 	<ul style="list-style-type: none"> 11/1/18
Pennsylvania			
Opioid Prescribing Guidelines	<ul style="list-style-type: none"> Pennsylvania Governor Tom Wolf announced the introduction of opioid prescribing guidelines for workers' compensation to help health care providers determine when opioids are appropriate for treatment of injured workers. The Governor's announcement and the new guidelines may be viewed at: https://www.governor.pa.gov/wolf-administration-introduces-opioid-prescribing-guidelines-workers-compensation/ 	<ul style="list-style-type: none"> Announcement issued on 7/16/18. 	<ul style="list-style-type: none"> N/A
HB 18 Drug Formulary	<ul style="list-style-type: none"> Proposed legislation that requires the Pennsylvania Department of Labor & Industry to select a nationally recognized, evidence-based prescription drug formulary appropriate for resolving issues related to drugs prescribed for, or related to, the treatment of work-related injuries. Further information regarding the proposed legislation may be viewed at: http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2017&sInd=0&body=h&type=b&bn=18 	<ul style="list-style-type: none"> Re-referred to the House Rules Committee on 6/21/17. 	<ul style="list-style-type: none"> N/A
SB 936 Drug Formulary	<p>Vetoed legislation which, among other things:</p> <ul style="list-style-type: none"> Requires the Pennsylvania Department of Labor and Industry to adopt nationally recognized, evidence-based prescription drug formulary appropriate for resolving issues related to drugs prescribed for, or related to, the treatment of work-related injuries. Requires UROs (Utilization Review Organizations) and PROs (Peer Review Organizations) to obtain certification or accreditation by a nationally recognized organization with certification or accreditation standards appropriate for resolving utilization issues for workers' compensation programs. Requires the most recent edition of the American Medical Association "Guides to the Evaluation of Permanent Impairment" for use in impairment ratings. Further information regarding the vetoed legislation may be viewed at: http://www.legis.state.pa.us/cfdocs/billInfo/BillInfo.cfm?year=2017&sind=0&body=S&type=B&bn=936 The Governor's veto message may be viewed at: http://www.legis.state.pa.us/cfdocs/legis/cl/public/ViewVetoMessage.cfm?sessyr=2018&sessInd=0&billbody=S&billtype=B&billnbr=936&pn=1281&vetonbr=1 	<ul style="list-style-type: none"> Vetoed by the Governor on 4/27/18. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
SB 1187 Prescription Guidelines	<ul style="list-style-type: none"> Proposed legislation which, among other things, requires the Department of Labor and Industry to develop evidence-based prescription guidelines for the treatment of injured workers. Further information regarding the proposed legislation may be viewed at: http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2017&sessInd=0&billBody=S&billTyp=B&billNbr=1187&pn=1810 	<ul style="list-style-type: none"> Referred to the Senate Committee on Labor and Industry on 6/1/18. 	<ul style="list-style-type: none"> N/A
S 0198 Opioid Prescribing	<ul style="list-style-type: none"> Enacted legislation which, among other things, limits initial opioid prescriptions for acute pain management or postoperative pain management to a 7-day supply, except when clinically indicated for chronic pain, major surgery and certain other conditions. Further information regarding the enacted legislation may be viewed at: http://www.scstatehouse.gov/sess122_2017-2018/bills/918.htm 	<ul style="list-style-type: none"> Signed by the Governor on 5/15/18. 	<ul style="list-style-type: none"> 5/15/18
South Dakota			
Fee Schedule	<ul style="list-style-type: none"> The South Dakota Department of Labor and Regulation, Division of Labor and Management, adopted rule amendments to the Workers' Compensation Fee Schedule. Further information regarding the adopted amendments may be viewed at: http://dlr.sd.gov/workers_compensation/documents/proposed_rules_updated_04302018.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 6/25/18
Tennessee			
Medical Panels	<ul style="list-style-type: none"> Adopted rules which, among other things, amend the procedures for providing medical panels to injured workers. Further information regarding the adopted rules may be viewed at: http://publications.tnsosfiles.com/rules_filings/03-02-18.pdf 	<ul style="list-style-type: none"> Filed with the Secretary of State on 3/2/18. 	<ul style="list-style-type: none"> 5/31/18
Texas			
Designated Doctors	<ul style="list-style-type: none"> Proposed amendments which update rules regarding designated doctors. Further information regarding the proposed amendments may be viewed at: http://www.tdi.texas.gov/wc/rules/proposedrules/documents/pr127dd0518.pdf 	<ul style="list-style-type: none"> Comment period ended 6/18/18. 	<ul style="list-style-type: none"> N/A
Work Status Reports	<ul style="list-style-type: none"> Proposed rule amendments which allow physicians' assistants to sign and file work status reports, and send copies to injured workers by email. Further information regarding the proposed amendments may be viewed at: http://www.tdi.texas.gov/wc/rules/proposedrules/documents/pr1290418.pdf 	<ul style="list-style-type: none"> Comment period ended on 5/21/18. 	<ul style="list-style-type: none"> N/A
Telemedicine	<ul style="list-style-type: none"> Adopted rules which expand the accessibility of telemedicine services in the Texas workers' compensation system. Further information regarding the adopted rules may be viewed at: https://www.tdi.texas.gov/wc/rules/documents/ao133tm0418.pdf 	<ul style="list-style-type: none"> Filed with the Secretary of State on 4/16/18. 	<ul style="list-style-type: none"> 9/1/18

Legislation	Synopsis	Status & Last Action Date	Effective Date
Compound Drugs	<ul style="list-style-type: none"> Adopted rule amendments which require preauthorization for any prescription drug created through compounding when both prescribed and dispensed on or after 7/1/18 under the Texas workers' compensation system. Further information regarding the adopted rule amendments may be viewed at: http://www.tdi.texas.gov/wc/rules/adopted/documents/ao1340418m.pdf 	<ul style="list-style-type: none"> Filed with the Office of the Secretary of State on 4/2/18. 	<ul style="list-style-type: none"> 7/1/18
Work Hardening/Work Conditioning	<ul style="list-style-type: none"> Proposed rules which, among other things, remove the exemption status for preauthorization and concurrent review from CARF-accredited facilities for work hardening or work conditioning programs. Further information regarding the proposed rules may be viewed at: http://www.tdi.texas.gov/wc/rules/proposedrules/documents/prcarf0418.pdf 	<ul style="list-style-type: none"> Comment period ended on 6/4/18. 	<ul style="list-style-type: none"> N/A
Utah			
SB 0064 Reimbursement for Hospital Services	<ul style="list-style-type: none"> Enacted legislation which, among other things, addresses the rate at which certain workers' compensation carriers and self-insured employers must reimburse a hospital for covered medical services. Further information regarding the enacted legislation may be viewed at: https://le.utah.gov/~2018/bills/static/SB0064.html 	<ul style="list-style-type: none"> Signed by the Governor on 3/19/18. 	<ul style="list-style-type: none"> 5/7/18
Vermont			
H 723 Opioid Prescribing	<p>Proposed legislation which, among other things:</p> <ul style="list-style-type: none"> Prohibits a prescriber from making an initial prescription of an opioid controlled substance for acute pain having an average daily morphine milligram equivalent ("MME") of 50 for a period exceeding seven days. Prohibits making a subsequent or additional prescription of an opioid controlled substance for acute pain or in an amount or duration that exceeds the prescription durations and average daily MME opioid limits set forth in Department of Health rules. Creates a private right of action against prescribers for injuries caused by prescriptions made in violation of these limits. Further information regarding the proposed legislation may be viewed at: https://legislature.vermont.gov/assets/Documents/2018/Docs/BILLS/H-0723/H-0723%20As%20Introduced.pdf 	<ul style="list-style-type: none"> Died at the close of the 2018 Legislative Session. 	<ul style="list-style-type: none"> N/A
Virginia			
Electronic Medical Billing	<ul style="list-style-type: none"> Proposed regulations which provide a legal framework 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 proposed regulations may be viewed at: http://register.dls.virginia.gov/details.aspx?id=6921 	<ul style="list-style-type: none"> Public hearing was held on 8/7/18. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
HB 558 Out-of-State Medical Fees	<ul style="list-style-type: none"> Enacted legislation which clarifies maximum fees for out-of-state medical providers. Further information regarding the enacted legislation may be viewed at: http://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+CHAP0261 	<ul style="list-style-type: none"> Signed by the Governor on 3/9/18. 	<ul style="list-style-type: none"> 7/1/18
Washington			
Medical Aid Rules	<ul style="list-style-type: none"> Adopted rule amendments that update the Medical Aid Rules rates for most professional health care services for injured workers. Further information regarding the adopted rule amendments may be viewed at: http://www.lni.wa.gov/rules/AO17/27/1727CR103.pdf 	<ul style="list-style-type: none"> Adopted on 5/1/18. 	<ul style="list-style-type: none"> 7/1/18
West Virginia			
SB 273 Opioid Prescribing	<p>Enacted legislation which, among other things:</p> <ul style="list-style-type: none"> Limits opioid prescriptions written in emergency rooms or urgent care centers to four days. Limits an initial opioid prescription to a seven-day supply, outside of an emergency room or urgent care center. Further information regarding the enacted legislation may be viewed at: http://www.wvlegislature.gov/Bill_Text_HTML/2018_SESSIONS/RS/bills/SB273%20SUB2%20ENR.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 3/27/18. 	<ul style="list-style-type: none"> 6/9/18
Wisconsin			
Vocational Rehabilitation	<ul style="list-style-type: none"> The Wisconsin Department of Workforce Development adopted amendments to its vocational rehabilitation rules. Further information regarding the adopted rules may be viewed at: http://docs.legis.wisconsin.gov/code/admin_code/dwd/060_075/65 	<ul style="list-style-type: none"> Filed with the Secretary of State on 7/1/18. 	<ul style="list-style-type: none"> 8/1/18

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