



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
Alaska			
Medical Fee Schedule Emergency Rules	<ul style="list-style-type: none">Adopted emergency and proposed formal rules which modify the fee schedules for payments of medical expenses of injured workers.Further information regarding the adopted emergency and proposed formal rules may be viewed at: https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=179289	<ul style="list-style-type: none">Comment period ends on 1/4/16.	<ul style="list-style-type: none">12/1/15
Arizona			
Physicians' and Pharmaceutical Fee Schedule	<ul style="list-style-type: none">The Industrial Commission of Arizona adopted the 2015 Physicians' and Pharmaceutical Fee Schedule after a public hearing.The summary of commission action taken subsequent to the hearing may be viewed at: http://www.ica.state.az.us/Director/FeeScheduleWorkArea_2015/2015_FS_Summary_of_Commission_Action(final).pdfThe 2015 Physicians' and Pharmaceutical Fee Schedule summary of changes may be viewed at: http://www.ica.state.az.us/Director/FeeScheduleWorkArea_2015/2015_FS_Tables_SummaryofChanges.xls	<ul style="list-style-type: none">Adopted.	<ul style="list-style-type: none">10/1/15
Process for the Use of Evidence-Based Treatment Guidelines	<ul style="list-style-type: none">The Industrial Commission of Arizona proposed rules which establish a prior authorization process using evidence-based treatment guidelines for the management of chronic pain, and the use of opioids for all stages of pain management.The proposed rules may be viewed at: http://apps.azsos.gov/public_services/register/2015/46/contents.pdf#page=33	<ul style="list-style-type: none">Comment period ended 12/15/15.	<ul style="list-style-type: none">N/A

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Arkansas			
Treatment Guidelines and Drug Formulary	<ul style="list-style-type: none"> Proposed rules which would adopt the current edition of the <i>Official Disability Guidelines</i> ("ODG") and the ODG Drug Formulary, as published by the Work Loss Data Institute, as the Arkansas Workers' Compensation Commission's medical treatment guidelines, effective 7/1/15. Further information regarding the proposed rules may be viewed at: http://170.94.37.152/REGS/099.00.14-002P-14646.pdf 	<ul style="list-style-type: none"> Public hearing, scheduled for 1/29/15, was cancelled and not rescheduled. 	<ul style="list-style-type: none"> N/A
California			
Home Health Care Fee Schedule	<ul style="list-style-type: none"> Proposed rules which set forth a payment methodology and maximum allowable payment rates for the home health care services required by injured workers. Further information regarding the proposed rules may be viewed at: http://www.dir.ca.gov/dwc/DWCPPropRegs/HomeHealthCareFeeSchedule/HomeHealthCareFeeSchedule.htm 	<ul style="list-style-type: none"> Public hearing was held on 11/30/15. 	<ul style="list-style-type: none"> N/A
Work-Related Asthma and Lung Disease Treatment Guidelines	<ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") informally drafted regulations which add the treatment of work-related asthma and interstitial lung disease to the Medical Treatment Utilization Schedule. Further information regarding the draft regulations may be viewed at: http://www.dir.ca.gov/dwc/ForumDocs/MTUS/MTUS.htm 	<ul style="list-style-type: none"> Comment period closed on 10/26/15. 	<ul style="list-style-type: none"> N/A
Qualified Medical Evaluators	<p>Adopted amendments which, among other things:</p> <ul style="list-style-type: none"> Modify the process for requesting Qualified Medical Evaluator panels. Remove the designation of clinical neuropsychology from the application for appointment as a qualified medical evaluator and clarify that the Labor Code does not recognize clinical neuropsychology as a separate specialty. Further information regarding the adopted amendments may be viewed at: http://www.dir.ca.gov/dwc/DWCPPropRegs/QME-Regulations/QME.htm 	<ul style="list-style-type: none"> Filed with the Secretary of State on 8/12/15. 	<ul style="list-style-type: none"> 9/1/15
ICD-10	<p>The Division of Workers' Compensation ("DWC") adopted amendments which:</p> <ul style="list-style-type: none"> Adopt and incorporate by reference a revised Medical Billing and Payment Guide which adopts the ICD-10-CM Official Guidelines for Coding and Reporting FY 2015 and the 2015 Code Tables and Index (updated November 13, 2014). Modify physician reporting regulations and forms to be consistent with the ICD-10 transition. Further information regarding the adopted amendments may be viewed at: http://www.dir.ca.gov/dwc/DWCPPropRegs/ICD-10/ICD-10.htm 	<ul style="list-style-type: none"> Filed with the Secretary of State on 9/21/15. 	<ul style="list-style-type: none"> 10/1/15

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Chronic Pain Treatment Guidelines Opioid Guidelines	<ul style="list-style-type: none"> The Division of Workers' Compensation ("DWC") proposed amendments to the Medical Treatment Utilization Schedule ("MTUS") to incorporate by reference an updated "Chronic Pain Medical Treatment Guidelines" section and a new "Opioid Treatment Guidelines" section. Further information regarding the proposed guidelines may be viewed at: http://www.dir.ca.gov/dwc/DWCPropRegs/MTUS-Opioids-ChronicPain/MTUS-Opioids-ChronicPain.htm 	<ul style="list-style-type: none"> 1st 15 day comment period ended on 12/19/15. 	<ul style="list-style-type: none"> N/A
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: http://www.dir.ca.gov/dwc/FeeSchedules/DMEPOS_FeeSchedule/October-2015/Order.doc 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 10/1/15
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 incorporate 2016 changes in the Medicare payment system. The order adopting the adjustments may be viewed at: http://www.dir.ca.gov/dwc/FeeSchedules/Physician/PhysicianFeeSchedule/PhysicianFeeSchedule2016/Orders/Order-January2016.doc 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 1/1/16
AB 1124 Prescription Formulary	<ul style="list-style-type: none"> Enacted legislation which, among other things, requires the DWC administrative director to establish a formulary on or before 7/1/17 for the medications prescribed in the worker's compensation system. Further information regarding the enacted legislation may be viewed at: http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_1101-1150/ab_1124_bill_20151006_chaptered.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 10/6/15. 	<ul style="list-style-type: none"> 1/1/16
AB1542 Qualified Medical Evaluator Certification in Neuropsychology	<ul style="list-style-type: none"> Proposed legislation which, among other things, amends the labor code to recognize neuropsychology as a specialty where certification as a Qualified Medical Evaluator may be obtained. Further information regarding the proposed legislation may be viewed at: http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_1501-1550/ab_1542_bill_20150423_introduced.pdf 	<ul style="list-style-type: none"> Vetoed by the Governor on 10/6/15. 	<ul style="list-style-type: none"> N/A
SB522 Medical Provider Network Independent Medical Review	<ul style="list-style-type: none"> Proposed legislation which makes a conforming change to distinguish between independent medical reviews and medical provider network independent medical reviews. Further information regarding the proposed legislation may be viewed at: http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0501-0550/sb_522_bill_20150406_amended_sen_v98.pdf 	<ul style="list-style-type: none"> Died in the Assembly Insurance Committee. 	<ul style="list-style-type: none"> N/A

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SB 563 Utilization Review	<p>Proposed legislation which:</p> <ul style="list-style-type: none"> Requires that the method of compensation, and any incentive payments, contingent upon the approval, modification or denial of a claim, for an individual or entity providing services pursuant to the utilization review process, be filed with the administrative director and disclosed by the employer upon request. Exempts a request from the utilization process by a physician for an injured worker for specified, evidence-based, future medical treatment pursuant to a final award of permanent disability. Establishes a provision for an employer to challenge such an exemption to the utilization review process, if the employer believes the medical treatment request is not evidence based. Specifies that the intent of this legislation is not to alter or impact the opinion of the court in <i>Patterson v. The Oaks Farm</i> (ADJ3905924, July 24, 2014) 79 Cal. Comp. Cases 910 (significant panel decision). Further information regarding the proposed legislation may be viewed at: http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0551-0600/sb_563_bill_20150430_amended_sen_v97.pdf 	<ul style="list-style-type: none"> Held in Senate Committee on Appropriations under submission on 5/28/15. 	<ul style="list-style-type: none"> N/A
<i>Patterson v. The Oaks Farm</i> (ADJ3905924, July 24, 2014) 79 Cal. Comp. Cases 910 (significant panel decision) Nurse Case Manager Services	<p>The California Workers' Compensation Appeals Board (WCAB) issued an opinion and decision after reconsideration, which held that:</p> <ul style="list-style-type: none"> The provision of a nurse case manager is a form of medical treatment under the Labor Code. An employer may not unilaterally cease to provide approved nurse case manager services when there is no evidence of a change in the employee's circumstances or condition showing that the services are no longer reasonably required to cure or relieve the worker from the effects of the industrial injury. It is not necessary for an injured worker to obtain a request for authorization to challenge the unilateral termination of the services of a nurse case manager. The <i>Patterson</i> opinion may be viewed at: http://www.dir.ca.gov/wcab/wcab_panel.htm 	<ul style="list-style-type: none"> Opinion and decision after reconsideration issued on 7/24/14. 	<ul style="list-style-type: none"> N/A
<i>Dubon v. World Restoration Inc.</i> , (2014) (Appeals Board en banc) 79 Cal. Comp. Cases 1298 Utilization Review	<p>The California Workers' Compensation Appeals Board ("WCAB") issued an en banc opinion, rescinding the February 27, 2014 opinion, and affirming the September 20, 2013 findings and order of the administrative law judge, as amended on October 18, 2013, and held:</p> <ul style="list-style-type: none"> A utilization review ("UR") decision is invalid and not subject to independent medical review ("IMR") only if it is untimely. Legal issues regarding the timeliness of a UR decision must be resolved by the WCAB, not IMR. All other disputes regarding a UR decision must be resolved by IMR. If the UR decision is untimely, the determination of medical necessity may be made by the WCAB based on substantial medical evidence consistent with Labor Code section 4604.5. The <i>Dubon</i> opinion may be viewed at: http://www.dir.ca.gov/WCAB/wcab_enbanc.htm 	<ul style="list-style-type: none"> Opinion issued on 10/6/14. 	<ul style="list-style-type: none"> N/A

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Colorado			
Lower Extremity Medical Treatment Guidelines	<ul style="list-style-type: none"> The Colorado Department of Labor and Employment, Division of Workers' Compensation, proposed new lower extremity medical treatment guidelines, Rule 17, which replace the current version. Further information regarding the proposed medical treatment guidelines may be viewed at: http://www.sos.state.co.us/CCR/DisplayHearingDetails.do?trackingNumber=2015-00730 	<ul style="list-style-type: none"> Public hearing held on 12/8/15. 	<ul style="list-style-type: none"> N/A
Utilization Standards	<ul style="list-style-type: none"> The Colorado Department of Labor and Employment, Division of Workers' Compensation, adopted amendments to Rule 16, Utilization Standards, which among other things, require physicians performing a medical review to be accredited by the Division. Further information regarding the adopted amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/Rule_16_Utilization_Standards.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 1/1/16
Medical Fee Schedule	<ul style="list-style-type: none"> The Colorado Department of Labor and Employment, Division of Workers' Compensation, adopted amendments to Rule 18, Medical Fee Schedule, which, among other things, replace the Relative Value for Physicians (RVP) schedule with a Resource-Based Relative Value Scale (RBRVS) schedule. Further information regarding the adopted amendments may be viewed at: https://www.colorado.gov/pacific/sites/default/files/2016_Medical_Fee_Schedule.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 1/1/16
Connecticut			
Medical Treatment Protocols	<ul style="list-style-type: none"> Memorandum issued which announces updates to the WCC medical protocols for treatment of injuries to the knee. The memorandum may be viewed at: http://wcc.state.ct.us/memos/2015/2015-08.htm 	<ul style="list-style-type: none"> Memorandum issued on 7/14/15. 	<ul style="list-style-type: none"> 8/15/15
Official Practitioner Fee Schedule	<ul style="list-style-type: none"> Memorandum issued which announces the 2015 Official Connecticut Practitioner Fee Schedule, which is effective for medical services rendered on or after 7/15/15, for all dates of injury, that are payable to health care providers authorized or permitted to render care under the Connecticut Workers' Compensation Act. The Memorandum may be viewed at: http://wcc.state.ct.us/memos/2015/2015-07.htm 	<ul style="list-style-type: none"> Memorandum issued on 7/1/15. 	<ul style="list-style-type: none"> 7/15/15
Delaware			
Anesthesia Services Payments	<ul style="list-style-type: none"> Adopted amendments which modify the reimbursement formula for anesthesia services. Further information regarding the adopted amendments may be viewed beginning on page 416 at: http://regulations.delaware.gov/documents/November2015c.pdf 	<ul style="list-style-type: none"> Adoption notice published in the Delaware Register on 11/1/15. 	<ul style="list-style-type: none"> 1/31/16

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HB166 Out-Of-State Medical Care	<p>Enacted legislation which, among other things:</p> <ul style="list-style-type: none"> Removes the certification requirement for health care providers who are not licensed in Delaware, but licensed in another state. Changes the allowable payment for these non-certified, out-of-state providers to the lesser of the usual and customary, the other state's maximum reimbursement, Delaware's maximum reimbursement, or a negotiated contract. Adds utilization review as a payer recourse for non-certified, out-of-state providers. Allows the Workers' Compensation Oversight Panel to create regulations pertaining to the use of electronic billing in the workers' compensation healthcare payment system. Further information regarding the enacted legislation may be viewed at: http://legis.delaware.gov/LIS/lis148.nsf/vwLegislation/HB+166/\$file/legis.html?open 	<ul style="list-style-type: none"> Signed by the Governor on 7/27/15. 	<ul style="list-style-type: none"> 7/27/15
Florida			
Health Care Provider Reimbursement Manual	<ul style="list-style-type: none"> The Florida Department of Financial Services, Division of Workers' Compensation, adopted the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2015, effective upon legislative ratification during the 2016 session. Further information regarding the adopted Reimbursement Manual may be viewed at: http://www.myfloridacfo.com/Division/WC/noticesRules.htm A draft of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2015, may be viewed at: http://www.myfloridacfo.com/Division/WC/pdf/2015-HCP-Manual-2015-REVISION-Pre-Hearing.pdf 	<ul style="list-style-type: none"> Adopted on 7/20/15. 	<ul style="list-style-type: none"> N/A
Expert Medical Advisors	<ul style="list-style-type: none"> Proposed rules which clarify and streamline the process through which a physician becomes certified as an Expert Medical Advisor. Further information regarding the proposed rules may be viewed at: http://www.myfloridacfo.com/Division/WC/pdf/FARRULE-69L-30NOHNotice3-23-15.pdf 	<ul style="list-style-type: none"> Public hearing was held on 4/14/15. 	<ul style="list-style-type: none"> N/A
Ambulatory Surgical Center Reimbursement Rates	<ul style="list-style-type: none"> The Florida Department of Financial Services, Division of Workers' Compensation, adopted a revised manual listing reimbursement rates for various medical services provided by ambulatory surgical centers. Further information regarding the adopted manual may be viewed at: http://www.myfloridacfo.com/Division/WC/pdf/2015_ASCRM_effective-01.01.16.pdf 	<ul style="list-style-type: none"> Adopted on 9/28/15. 	<ul style="list-style-type: none"> 1/1/16
Georgia			
ICD-10	<ul style="list-style-type: none"> The Georgia State Board of Workers' Compensation announced adoption of ICD-10-CM/PCS along with the Centers for Medicare and Medicaid Services' implementation date of October 1, 2015, with a grace period through November 1, 2015. The announcement may be viewed at: http://sbwc.georgia.gov/sites/sbwc.georgia.gov/files/medical_fee_schedule/ImplementationNotificationICD_10.pdf 	<ul style="list-style-type: none"> Announcement issued. 	<ul style="list-style-type: none"> 10/1/15

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Hawaii			
HB653 Independent Medical Examination	<ul style="list-style-type: none"> Proposed legislation which, among other things, requires that a request for an independent medical examination be approved or denied by the Director of Labor and Industrial Relations within 14 days. Further information regarding the proposed legislation may be viewed at: http://www.capitol.hawaii.gov/session2015/bills/HB653_.pdf 	<ul style="list-style-type: none"> Deferred in the House Labor Committee on 2/10/15. 	<ul style="list-style-type: none"> N/A
SB1174 Independent Medical Examination Permanent Impairment Rating	<p>Proposed legislation which:</p> <ul style="list-style-type: none"> Provides that an independent medical examination and permanent impairment rating examination shall be conducted by a qualified 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/session2015/bills/SB1174_HD2_.pdf 	<ul style="list-style-type: none"> Pending in the Senate Conference Committee on 4/29/15. 	<ul style="list-style-type: none"> N/A
Idaho			
Medical and Facility Fee Schedules	<ul style="list-style-type: none"> The Idaho Industrial Commission proposed rules which update the Medical and Facility Fee Schedules. Further information regarding the proposed rules may be viewed beginning on page 381 of the 10/7/2015 edition of the Idaho Administrative Bulletin at: http://adminrules.idaho.gov/bulletin/2015/10.pdf#page=381 	<ul style="list-style-type: none"> Pending legislative approval during the 2016 session. 	<ul style="list-style-type: none"> N/A
Illinois			
Electronic Billing	<ul style="list-style-type: none"> Adopted rules which, among other things, require claim administrators to accept electronic medical bills. Further information regarding the adopted rules may be viewed beginning on page 10872 at: https://www.cyberdriveillinois.com/departments/index/register/register_volume39_issue32.pdf 	<ul style="list-style-type: none"> Notice of adopted rules published in the Illinois State Register on 8/7/15. 	<ul style="list-style-type: none"> 7/24/15
HB4248 Fee Schedules and Medical Records	<p>Proposed legislation which, among other things,</p> <ul style="list-style-type: none"> Reduces certain payments under fee schedules. Directs the Workers' Compensation Commission to draft rules which ensure health care providers have at least 15 business days to comply with records requested by employers and insurers for the authorization of the payment of workers' compensation claims. Further information regarding the proposed legislation may be viewed at: http://www.ilga.gov/legislation/99/HB/09900HB4248.htm 	<ul style="list-style-type: none"> Referred to the House Rules Committee on 7/9/15. 	<ul style="list-style-type: none"> N/A

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Indiana			
Nurse Case Managers	<p>The Workers' Compensation Board of Indiana posted a notice that guidelines were issued for the use of Nurse Case Managers ("NCM") in the administration of compensation claims, which advise that:</p> <ul style="list-style-type: none"> ▪ A NCM may be involved in a claim to schedule appointments, help facilitate care suggested by the medical provider, and to report back to the employer and/or carrier. ▪ A NCM should not express opinions, to either the injured worker or the medical provider, regarding an injured worker's course of medical care or otherwise attempt to influence the process. ▪ Additionally, a claims adjuster should not attempt to direct the care provided to an injured worker by the authorized treating doctor. ▪ The notice regarding the guidelines may be viewed at: http://www.in.gov/wcb/ 	<ul style="list-style-type: none"> ▪ Notice posted. 	<ul style="list-style-type: none"> ▪ N/A
Kansas			
SB167 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 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/b2015_16/measures/documents/sb167_00_0000.pdf 	<ul style="list-style-type: none"> ▪ Pending in the Senate Commerce Committee on 2/13/15. 	<ul style="list-style-type: none"> ▪ N/A
Louisiana			
ICD-10	<ul style="list-style-type: none"> ▪ The office of Workers' Compensation Administration proposed rules which amend its hospital reimbursement schedule, utilization review procedures and medical reimbursement schedule to include ICD-10 codes. ▪ Further information regarding the proposed rules may be viewed beginning on page 2245 of the 10/20/15 edition of the Louisiana Register at: http://www.doa.la.gov/osr/REG/1510/1510.pdf 	<ul style="list-style-type: none"> ▪ Public hearing was held on 10/30/15. 	<ul style="list-style-type: none"> ▪ N/A
Medical Treatment Dispute Reviews	<ul style="list-style-type: none"> ▪ The 19th District Court in Baton Rouge declared on 6/24/15 that the state's process for the administrative adjudication of a worker's request for medical treatment is unconstitutional, and issued a preliminary injunction barring the Louisiana Workforce Commission, Office of Workers' Compensation, from enforcing the regulatory scheme for injured workers seeking approval of treatment requests. ▪ The Court stayed enforcement of the preliminary injunction, pending an appeal, on 8/6/15. The Louisiana Workforce Commission, Office of Workers' Compensation, announced it will resume reviews of medical treatment disputes pending further action by the appellate courts. ▪ The announcement by the Louisiana Workforce Commission, Office of Workers' Compensation, may be viewed at: http://www.laworks.net/PublicRelations/PR_PressReleaseDetails.asp?SeqNo=1841&Year=2015&Month=8 	<ul style="list-style-type: none"> ▪ Announcement issued on 8/6/15. 	<ul style="list-style-type: none"> ▪ N/A

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Medical Bill Payment	<ul style="list-style-type: none"> Proposed rules which require payment of all uncontested portions of a complete medical bill be made within 30 calendar days of receipt of the original bill, or receipt of additional information requested by the insurance carrier allowed under the law. Further information regarding the proposed rules may be viewed on page 1405 at: http://www.doa.la.gov/osr/reg/1507/1507.pdf 	<ul style="list-style-type: none"> Public hearing was held on 8/26/15. 	<ul style="list-style-type: none"> N/A
HB205 Treatment Authorization	<p>Proposed legislation which:</p> <ul style="list-style-type: none"> Extends the timeframe to file a treatment authorization appeal with the OWCA from 15 days to 30 days Requires an administrative law judge to remand the case to the OWCA medical director or the associate director to consider any new evidence that emerges. Further information regarding the proposed legislation may be viewed at: http://www.legis.la.gov/legis/ViewDocument.aspx?d=932621 	<ul style="list-style-type: none"> Died at the close of the 2015 Legislative Session. 	<ul style="list-style-type: none"> N/A
SB256 Drug Formulary	<ul style="list-style-type: none"> Proposed legislation which would establish a closed formulary under the workers' compensation system for DOI on or after 1/1/16, and require preauthorization for narcotic drugs that are excluded from the formulary. Further information regarding the proposed legislation may be viewed at: http://www.legis.la.gov/legis/ViewDocument.aspx?d=937250 	<ul style="list-style-type: none"> Died at the close of the 2015 Legislative Session. 	<ul style="list-style-type: none"> N/A
Maine			
Medical Fees	<ul style="list-style-type: none"> Adopted rules which amend the medical fee schedule. Further information regarding the adopted rules may be viewed at: http://www.maine.gov/wcb/Departments/omrs/medfeesched/Medical_Fee_Schedule_Oct_2015.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 10/1/15
Maryland			
Guide of Medical and Surgical Fees	<ul style="list-style-type: none"> The Maryland Workers' Compensation Commission published the 2016 Guide to Medical and Surgical Fees which update conversion factors and increase fees for certain procedures. Further information regarding the published fees may be viewed at: http://www.wcc.state.md.us/MFG/Medical_Fee_Schedule.html 	<ul style="list-style-type: none"> 2016 Fees published. 	<ul style="list-style-type: none"> 1/1/16
Michigan			
Health Care Services	<ul style="list-style-type: none"> Adopted amendments to the Health Care Services rules which, among other things, sets forth billing and reimbursement protocols for anesthesiologist assistants. Further information regarding the adopted amendments may be viewed at: http://www.michigan.gov/documents/wca/2015-008_LR_HCS_Rule_505957_7.pdf 	<ul style="list-style-type: none"> Filed with the Secretary of State on 9/15/15. 	<ul style="list-style-type: none"> 9/15/15

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Minnesota			
Independent Medical Examination Fees ICD-10	<p>The Minnesota Department of Labor and Industry adopted rules which:</p> <ul style="list-style-type: none"> ▪ Increase Independent Medical Examination fees. ▪ Amend references in the state's medical treatment guidelines to reflect the change to ICD-10. ▪ Increase conversion factors applied to medical and surgical fees. ▪ Further information regarding the adopted amendments may be viewed beginning on page 328 at: http://www.comm.media.state.mn.us/bookstore/stateregister/40_11.pdf 	<ul style="list-style-type: none"> ▪ Rules published in the Minnesota State Register on 9/14/15. 	<ul style="list-style-type: none"> ▪ 10/1/15
Long-term Opioid Use	<ul style="list-style-type: none"> ▪ The Minnesota Department of Labor and Industry adopted rules which govern long-term use of opioid analgesics. ▪ The rule making notice may be viewed at: http://www.dli.mn.gov/PDF/docket/5221_6020_8900TrtmPar_2.pdf ▪ Further information regarding the adopted rules may be viewed at: http://www.dli.mn.gov/PDF/docket/5221Draft2.pdf 	<ul style="list-style-type: none"> ▪ Filed with the Secretary of State on 6/22/15. 	<ul style="list-style-type: none"> ▪ 7/13/15
HF2193 Inpatient Hospital Fee Schedule Electronic Billing	<p>Enacted legislation which, among other things:</p> <ul style="list-style-type: none"> ▪ Adopts recommendations of the workers' compensation advisory council regarding inpatient hospital payments and caps reimbursement for most hospital services at 200% of Medicare's Medical Severity-Diagnostic Related Group payment system, effective 1/1/16. ▪ Identifies the protocols carriers must use to accept electronic bills from providers and the acknowledgment that must be provided indicating receipt of the bill. ▪ Further information regarding the enacted legislation may be viewed at: https://www.revisor.mn.gov/laws/?year=2015&type=0&doctype=Chapter&id=43 	<ul style="list-style-type: none"> ▪ Signed by the Governor on 5/19/15. 	<ul style="list-style-type: none"> ▪ 1/1/16
Montana			
Medical Service Fee Schedules Utilization and Review of Medical Services	<ul style="list-style-type: none"> ▪ Adopted rules which amend the medical service fee schedules and utilization and review of medical services. ▪ Further information regarding the adopted rules may be viewed at: http://erd.dli.mt.gov/Portals/54/Documents/Work-Comp-Claims/Medical-Regs/dli-erd-mr112.pdf 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 7/1/15

Legislation	Synopsis	Status & Last Action Date	Effective Date
Utilization and Treatment Guidelines	<ul style="list-style-type: none"> Adopted amendments which update both the Cervical Spine Injury and the Low Back Pain chapters of the Montana Utilization and Treatment guidelines effective 7/1/15. The adopted amended Cervical Spine Injury Guideline may be viewed at: http://erd.dli.mt.gov/Portals/54/Documents/Work-Comp-Claims/Medical-Regs/dli-erd-mr110.pdf The adopted amended Low Back Pain Guideline may be viewed at: http://erd.dli.mt.gov/Portals/54/Documents/Work-Comp-Claims/Medical-Regs/dli-erd-mr111.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 7/1/15
Nebraska			
Medical Fees	<ul style="list-style-type: none"> Adopted amendments to the Schedule of Medical Fees, Rule 26; effective 1/1/16. Further information regarding the adopted amendments may be viewed beginning on page 34 at: http://www.wcc.ne.gov/publications/rules.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 1/1/16
LB 429 Official Disability Guidelines (ODG)	<p>Proposed legislation which:</p> <ul style="list-style-type: none"> Provides that any medical treatment done in accordance with the Work Loss Data Institute's Official Disability Guidelines is presumed to be reasonable and necessary, effective 1/1/16. Recommends that the Workers' Compensation Court update its medical treatment guidelines to conform to changes in the ODG. Allows a party to request an independent medical examination to resolve any dispute regarding the necessity or reasonableness of a proposed treatment. Further information regarding the proposed legislation may be viewed at: http://www.legislature.ne.gov/FloorDocs/104/PDF/Intro/LB429.pdf 	<ul style="list-style-type: none"> Pending in the Business and Labor Committee on 2/2/15. 	<ul style="list-style-type: none"> N/A
Nevada			
Medical Fee Schedule	<ul style="list-style-type: none"> Proposed amendments which revise the Nevada Medical Fee Schedule to adjust the maximum amount payable to providers of accident benefits by workers' compensation insurers. Further information regarding the proposed amendments may be viewed at: http://dirweb.state.nv.us/WCS/docs/2016-01-08_Draft%20MED_FEE_SCHEDULE.pdf 	<ul style="list-style-type: none"> Public hearing scheduled for 1/1/16. 	<ul style="list-style-type: none"> N/A
SB231 Physician Dispensing of a Controlled Substance Medical Bill Payment	<p>Enacted legislation which, among other things:</p> <ul style="list-style-type: none"> Limits a provider of health care (not including a pharmacist or hospital) to dispense only an initial 15-day supply of a schedule II or III controlled substance to an injured employee. Requires that an insurer pay or deny a medical bill within 45 days after receipt. Further information regarding the enacted legislation may be viewed at: https://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB231_EN.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 5/27/15. 	<ul style="list-style-type: none"> 1/1/16

Legislation	Synopsis	Status & Last Action Date	Effective Date
New Hampshire			
SB3-FN Medical Fees	<ul style="list-style-type: none"> Proposed legislation which establishes a process for reduction of workers' compensation medical paid costs to achieve savings under the workers' compensation law. Further information regarding the proposed legislation may be viewed at: http://www.gencourt.state.nh.us/legislation/amendments/2015-1065s.html 	<ul style="list-style-type: none"> Pending in the Senate Commerce Committee as of 10/14/15. 	<ul style="list-style-type: none"> N/A
SB45 Opioid Treatment Agreement	<ul style="list-style-type: none"> Proposed legislation which requires an injured worker and his or her treating health care provider to enter into an opioid treatment agreement outlining the procedures for opioid use under workers' compensation. Further information regarding the proposed legislation may be viewed at: http://www.gencourt.state.nh.us/legislation/2015/SB0045.pdf 	<ul style="list-style-type: none"> Passed in the Senate, pending in the House Labor, Industrial and Rehabilitative Services Committee as of 10/14/15. 	<ul style="list-style-type: none"> N/A
New Mexico			
Health Care Providers' Fee Schedule	<ul style="list-style-type: none"> The New Mexico Workers' Compensation Administration adopted amendments to its Health Care Providers' Fee Schedule. Further information regarding the adopted amendments may be viewed at: http://www.workerscomp.state.nm.us/pdf/NewMexicoPFS2016.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 1/1/16
ICD-10	<ul style="list-style-type: none"> The New Mexico Workers' Compensation Administration announced the transition to ICD-10 effective 10/1/15. The announcement may be viewed at: http://www.workerscomp.state.nm.us/pdf/announcement_ICD.pdf 	<ul style="list-style-type: none"> Announcement issued. 	<ul style="list-style-type: none"> 10/1/15
Medical Marijuana	<ul style="list-style-type: none"> Adopted rule amendments which, among other things, allow injured workers to be reimbursed for the cost of purchasing medical marijuana. Further information regarding the adopted rules amendments may be viewed at: http://www.workerscomp.state.nm.us/pdf/rules/temp/part7.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 10/1/15
New York			
Variances from Medical Treatment Guidelines Authorization for Medical Services	<ul style="list-style-type: none"> Proposed regulations requiring use of an online medical portal to allow medical providers to submit requests for medical authorization and variances from medical treatment guidelines. Further information regarding the online medical portal may be viewed at: http://www.wcb.ny.gov/content/ebiz/medicalportal/overview.jsp Further information regarding the proposed regulations on variances may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/Proposed/Part324_3_text.jsp Further information regarding the proposed regulations on medical authorization may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/Proposed/Part325_1_4.jsp 	<ul style="list-style-type: none"> Comment period ended on 12/28/15. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
Ambulatory Surgery Services Fee Schedule	<ul style="list-style-type: none"> Adopted regulations amend the Ambulatory Surgery Fee Schedule. Further information regarding the adopted regulations may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/RecentlyAdopted/Part329.jsp 	<ul style="list-style-type: none"> Adopted on 12/11/15. 	<ul style="list-style-type: none"> 10/1/15.
A1670 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: http://assembly.state.ny.us/leg/?default_fld=&bn=A01670&term=2015&Summary=Y&Text=Y 	<ul style="list-style-type: none"> Referred to the Assembly Committee on Labor on 1/12/15. 	<ul style="list-style-type: none"> N/A
A2462 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: http://assembly.state.ny.us/leg/?default_fld=&bn=A02462&term=2015&Summary=Y&Text=Y 	<ul style="list-style-type: none"> Pending in the Assembly on 6/10/15. 	<ul style="list-style-type: none"> N/A
A4087 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: http://assembly.state.ny.us/leg/?default_fld=&bn=A04087&term=2015&Summary=Y&Text=Y 	<ul style="list-style-type: none"> Referred to the Assembly Committee on Labor on 1/29/15. 	<ul style="list-style-type: none"> N/A
A5724 Social Worker Treatment	<ul style="list-style-type: none"> Proposed legislation which authorizes the care and treatment of injured employees by duly licensed social workers under the workers' compensation program. Further information regarding the proposed legislation may be viewed at: http://assembly.state.ny.us/leg/?default_fld=&bn=A05724&term=2015&Summary=Y&Text=Y 	<ul style="list-style-type: none"> Referred to the Assembly Committee on Labor on 3/3/15. 	<ul style="list-style-type: none"> N/A
S2874 Chiropractic Care	<ul style="list-style-type: none"> Proposed legislation which requires the availability of and reimbursement for chiropractic care under the workers' compensation law to be provided on the same basis as care by a physician under such law. Further information regarding the proposed legislation may be viewed at: http://assembly.state.ny.us/leg/?default_fld=&bn=S02874&term=2015&Summary=Y&Text=Y 	<ul style="list-style-type: none"> Referred to the Senate Committee on Labor on 1/29/15. 	<ul style="list-style-type: none"> N/A
North Carolina			
Professional Fee Schedule	<ul style="list-style-type: none"> The North Carolina Industrial Commission issued a Memorandum announcing the adoption of a revised professional fee schedule, which applies to dates of service on or after 7/1/15. The Memorandum may be viewed at: http://www.ic.nc.gov/062515memo.pdf 	<ul style="list-style-type: none"> Memorandum issued on 6/25/15. 	<ul style="list-style-type: none"> 7/1/15

Legislation	Synopsis	Status & Last Action Date	Effective Date
HB97 Formulary Study Drug Reimbursement	<p>Enacted legislation which, among other things:</p> <ul style="list-style-type: none"> Directs the North Carolina Industrial Commission to conduct a study of implementing a drug formulary in workers' compensation claims, and report its findings by 4/1/16. Amends drug reimbursement rules. Further information regarding the enacted legislation may be viewed beginning on page 290 at: http://www.ncga.state.nc.us/Sessions/2015/Bills/House/PDF/H97v9.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 9/18/15. 	<ul style="list-style-type: none"> 10/1/15
North Dakota			
SB2060 Chronic Opioid Therapy	<ul style="list-style-type: none"> Enacted legislation which establishes coverage and monitoring protocols for chronic opioid therapy for injured workers. Further information regarding the enacted legislation may be viewed at: https://legiscan.com/ND/text/2060/id/1161345/North_Dakota-2015-2060-Enrolled.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 3/11/15. 	<ul style="list-style-type: none"> 8/1/15
Oklahoma			
Pharmacy Closed Formulary	<ul style="list-style-type: none"> The Oklahoma Workers' Compensation Commission adopted permanent rules which, among other things, establish a closed pharmacy formulary. Further information regarding the permanent rules may be viewed at: http://ok.gov/wcc/documents/%288-27-15%29%20permanent%20rules%20eff%208-27-15_website%20version.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 8/27/15
Oregon			
Medical Services Rules	<ul style="list-style-type: none"> Adopted rule amendments which, among other things, require pre-authorization requests be responded to within fourteen days instead of seven days. Further information regarding the adopted amendments may be viewed at: http://www.cbs.state.or.us/wcd/policy/rules/docconv_27511/10_15060ub.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 10/1/15
Opioid Use Guidelines	<ul style="list-style-type: none"> The Oregon Workers' Compensation Division ("WCD") published guidelines for short-term and long-term opioid therapy. Further information regarding the guidelines may be viewed at: http://www.cbs.state.or.us/wcd/rdrs/mru/ogandcal.html 	<ul style="list-style-type: none"> Guidelines posted to the WCD website. 	<ul style="list-style-type: none"> N/A
HB2581 Allowable Number of Independent Medical Examinations	<ul style="list-style-type: none"> Proposed legislation which, among other things, reduces the maximum number of independent medical examinations a carrier can request from three to one. Further information regarding the proposed legislation may be viewed at: https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2581 	<ul style="list-style-type: none"> Died at the close of the 2015 Legislative Session. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
SB701 Selection of Physician for Independent Medical Examinations	<ul style="list-style-type: none"> Proposed legislation which modifies the process for independent medical examinations of injured workers to provide for random selection of qualified physicians to conduct independent medical examinations in workers' compensation claims. Further information regarding the proposed legislation may be viewed at: https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB701/A-Engrossed 	<ul style="list-style-type: none"> Died at the close of the 2015 Legislative Session. 	<ul style="list-style-type: none"> N/A
Pennsylvania			
HB467 Direction of Care	<ul style="list-style-type: none"> Proposed legislation which allows employers to establish coordinated care organizations and require workers' compensation claimants to treat within those networks for the duration of the injury. Further information regarding the proposed legislation may be viewed at: http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2015&sessInd=0&billBody=H&billTyp=B&billNbr=0467&pn=0512 	<ul style="list-style-type: none"> Referred to House Committee on Labor and Industry on 2/12/15. 	<ul style="list-style-type: none"> N/A
South Carolina			
Medical Services Provider Manual	<ul style="list-style-type: none"> The South Carolina Workers' Compensation Commission issued an advisory notice announcing that an updated Medical Services Provider Manual is effective on 9/1/15 and available for purchase. The advisory notice may be viewed at: http://www.wcc.sc.gov/Documents/What%27s%20New/Medical%20Services%20Notices/2015%20MSPM%20Compliance.pdf 	<ul style="list-style-type: none"> Advisory notice issued on 9/1/15. 	<ul style="list-style-type: none"> 9/1/15
Tennessee			
Medical Treatment Guidelines and Prescription Formulary	<ul style="list-style-type: none"> Adopted rules which establish medical treatment guidelines based on Work Loss Data Institute's Official Disability Guidelines ("ODG"), including ODG's drug formulary. Effective 2/28/16 pending legislative approval. Further information regarding the adopted rules may be viewed at: http://share.tn.gov/sos/rules_filings/11-14-15.pdf 	<ul style="list-style-type: none"> Awaiting approval by the Legislative Committee on Government Operations. 	<ul style="list-style-type: none"> N/A
Case Management	<p>Proposed rules regarding case management under the workers' compensation system, which, among other things:</p> <ul style="list-style-type: none"> Require new registration and continuing education requirements for case managers. Eliminate case manager assistants from the workers' compensation system 18 months after the rule takes effect. Stipulate a list of actions that are prohibited for a case manager, and for which they would face a fine of up to \$500 per action. Introduce a set of guidelines under which employers and insurers are encouraged to provide case management services. Further information regarding the proposed rules may be viewed at: http://state.tn.us/sos/rules_filings/03-26-15.pdf 	<ul style="list-style-type: none"> Public hearing was held on 5/28/15. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
SB0200 Workers' Compensation Reform	<p>Enacted reform legislation which, among other things:</p> <ul style="list-style-type: none"> Requires adoption of guidelines, effective on 1/1/16, for the diagnosis and treatment of commonly occurring workers' compensation injuries. Establishes that adopted treatment guidelines have a presumption of medical necessity for utilization review purposes, rebuttable only by clear and convincing evidence that the treatment erroneously applies or presents an unwanted risk to the injured worker. Sets a cap of \$250 on fees assessed and paid to the Division of Workers' Compensation ("DWC") for an appeal of any utilization review decision. Requires the formation of a medical payment committee to hear and resolve medical bill payment disputes between providers and insurers. Further information regarding the enacted legislation may be viewed at: http://state.tn.us/sos/acts/108/pub/pc0289.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 4/29/13. 	<ul style="list-style-type: none"> 7/1/14
Texas			
Medical Bill Reporting	<ul style="list-style-type: none"> Adopted rules which update the existing technical requirements associated with insurance carriers' reporting medical charge and payment data to the Division of Workers' Compensation. Further information regarding the adopted rules may be viewed at: http://www.tdi.texas.gov/wc/rules/adopted/documents/aomsr0115m.pdf 	<ul style="list-style-type: none"> Adopted on 1/20/15. 	<ul style="list-style-type: none"> 9/1/15
Independent Review Organizations	<ul style="list-style-type: none"> The Texas Department of Insurance adopted amendments to the rules regarding Independent Review Organizations. Further information regarding the adopted amendments may be viewed at: http://www.tdi.texas.gov/rules/2015/documents/order3927.pdf#Commissioner Order 3927 	<ul style="list-style-type: none"> Adopted on 4/23/15. 	<ul style="list-style-type: none"> 7/7/15
HB180 Confidentiality of Reviewers	<ul style="list-style-type: none"> Proposed legislation which establishes disclosure requirements of a reviewer's name and professional qualifications after a determination issued by a Utilization Review Agent or an Independent Review Organization. Further information regarding the proposed legislation may be viewed at: http://www.legis.state.tx.us/tlodocs/84R/billtext/html/HB001801.htm 	<ul style="list-style-type: none"> Died at the close of the 2015 Legislative Session. 	<ul style="list-style-type: none"> N/A
Utah			
Medical Fees	<ul style="list-style-type: none"> Proposed amendments which, among other things, adopt updates to the medical fee schedule and update certain CPT codes used to bill for various medical procedures. Further information regarding the proposed amendments may be viewed beginning on page 98 at: http://www.rules.utah.gov/publicat/bull_pdf/2015/b20151101.pdf#page=95 	<ul style="list-style-type: none"> Published in the Utah State Bulletin on 11/1/15. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
Vermont			
AMA Guides to the Evaluation of Permanent Impairment Medical Payments	Adopted rule amendments which, among other things: <ul style="list-style-type: none"> ▪ Mandate the use of the 6th edition of the American Medical Association Guides to the Evaluation of Permanent Impairment for mental and behavioral conditions. ▪ Establish that insurance carriers have 90 days during which they can make medical payments without accepting or denying a claim. ▪ Further information regarding the adopted amendments may be viewed at: http://labor.vermont.gov/wordpress/wp-content/uploads/Adopted8-1-15.pdf 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 8/1/15
Virginia			
Vocational Rehabilitation	<ul style="list-style-type: none"> ▪ The Virginia Workers' Compensation Commission adopted revisions to its Vocational Rehabilitation Guidelines. ▪ Further information regarding the adopted revisions may be viewed at: http://vwc.state.va.us/sites/default/files/documents/Vocational-Rehabilitation-Guidelines_0.pdf 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 10/1/15
HB1820 Medical Fees	<ul style="list-style-type: none"> ▪ Enacted legislation which directs the Virginia Workers' Compensation Commission to review data and payment information along with other state models and give its recommendations for a fee schedule by Dec. 15, 2015. ▪ Further information regarding the enacted legislation may be viewed at: http://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+CHAP0456 	<ul style="list-style-type: none"> ▪ Signed by the Governor on 3/23/15. 	<ul style="list-style-type: none"> ▪ 7/1/15

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