



MEDICAL MANAGEMENT

Regulatory Update

Chartis 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 Reports	<ul style="list-style-type: none"> The Alaska Department of Labor and Workforce Development proposed amendments to regulations which set a timeline for when a doctor has to provide an employer with a medical report and define what constitutes a complete report. Further information regarding the proposed amendments may be viewed at: http://notes4.state.ak.us/pn/pubnotic.nsf/cc52605f7c156e7a8925672a0060a91b/af9f8cdd1fb5b09b892578ed0072597c?OpenDocument 	<ul style="list-style-type: none"> Comment period ended on 9/15/11. 	<ul style="list-style-type: none"> N/A
HB13 Medical Fee Schedule	<ul style="list-style-type: none"> Enacted legislation amends the Workers' Compensation Medical Fee Schedule and requires the establishment of fees set at 90% of the usual and customary rates. Further information regarding the enacted legislation may be viewed at: http://www.legis.state.ak.us/PDF/27/Bills/HB0013Z.PDF 	<ul style="list-style-type: none"> Signed by the Governor on 9/28/11. 	<ul style="list-style-type: none"> 9/29/11

Legislation	Synopsis	Status & Last Action Date	Effective Date
Arizona			
Physicians' and Pharmaceutical Fee Schedule	<p>The Industrial Commission of Arizona announced:</p> <ul style="list-style-type: none"> ▪ It has adopted the 2011 Physicians' and Pharmaceutical Fee Schedule, effective 10/1/11. ▪ It has amended the Physicians' and Pharmaceutical Fee Schedule to require insurers and employers to give medical providers an explanation when paying less than the amount billed for services provided to injured workers. ▪ The 2011 fee schedule may be viewed at: http://www.ica.state.az.us/Director/DIR_FSList2011.aspx ▪ The Notice of Change regarding the amendment to the fee schedule may be viewed at: http://www.ica.state.az.us/Director/FeeScheduleWorkArea_2010/2010_FeeScheduleNewLanguageNotice.pdf 	<ul style="list-style-type: none"> ▪ Fee schedule was adopted on 7/13/11. 	<ul style="list-style-type: none"> ▪ Fee schedule: 10/1/11 ▪ Amendment: 7/25/11
California			
Inpatient Hospital Fee Schedule	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation (DWC) proposed regulations which revise the inpatient hospital section of the Official Medical Fee Schedule related to when and how additional allowance is permitted for implantable spinal hardware used in complex spinal surgeries. ▪ Further information regarding the proposed amendments may be viewed at: http://www.dir.ca.gov/dwc/dwc_newslines/2010/Newsline_71-10.html 	<ul style="list-style-type: none"> ▪ Public hearing was held on 1/25/11. 	<ul style="list-style-type: none"> ▪ N/A
Outpatient Hospital and Ambulatory Surgical Center Fees	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation (DWC) proposed regulations which revise the outpatient hospital department and ambulatory surgical center section of the Official Medical Fee Schedule. ▪ Further information regarding the proposed amendments may be viewed at: http://www.dir.ca.gov/dwc/DWCPropRegs/AmbulatorySurgicalCenter/AmbulatorySurgicalCenter_ProposedRegs.pdf 	<ul style="list-style-type: none"> ▪ Public hearing was held on 1/25/11. 	<ul style="list-style-type: none"> ▪ N/A
Qualified Medical Evaluator	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation (DWC) proposed amended regulations regarding the appointment and reappointment of Qualified Medical Evaluators (QME) and the procedures for obtaining QME medical-legal evaluations that are used to resolve disputes in the workers' compensation system. ▪ Further information regarding the proposed amended regulations may be viewed at: http://www.dir.ca.gov/dwc/DWCPropRegs/QMERegulations/QMERegulations.htm 	<ul style="list-style-type: none"> ▪ Public hearing was held on 8/9/11. 	<ul style="list-style-type: none"> ▪ N/A
AB378 Compounded Medications	<p>Enacted legislation which:</p> <ul style="list-style-type: none"> ▪ Adds compounded medications to the list of medical goods and services for which it is unlawful for a physician to make a referral if the physician has a financial interest in the entity receiving the referral. ▪ Limits reimbursement for compounded medications where the physician has no financial interest in the entity receiving the referral. ▪ Further information regarding the enacted legislation may be viewed at: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0351-0400/ab_378_bill_20111007_chaptered.pdf 	<ul style="list-style-type: none"> ▪ Signed by the Governor on 10/7/11. 	<ul style="list-style-type: none"> ▪ 1/1/12

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AB584 Utilization Review	<ul style="list-style-type: none"> ▪ Vetoed legislation which, among other things, amends the Labor Code to require that only a physician (which includes physicians and surgeons holding an M.D. or D.O. degree, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners) licensed by California state law may modify, delay, or deny requests for authorization of medical treatment for reasons of medical necessity. ▪ Further information regarding the vetoed legislation may be viewed at: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0551-0600/ab_584_bill_20110909_enrolled.pdf 	<ul style="list-style-type: none"> ▪ Vetoed by the Governor on 10/7/11. 	<ul style="list-style-type: none"> ▪ N/A
AB1168 Vocational Rehabilitation	<ul style="list-style-type: none"> ▪ Enacted legislation which would require, on or before 1/1/2013, the Division of Workers' Compensation (DWC) to develop a fee schedule establishing hourly fees paid for services provided by vocational experts. ▪ Further information regarding the enacted legislation may be view at: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1151-1200/ab_1168_bill_20111007_chaptered.pdf 	<ul style="list-style-type: none"> ▪ Signed by the Governor on 10/7/11. 	<ul style="list-style-type: none"> ▪ 1/1/12
SB896 Spinal Surgery Reimbursement	<ul style="list-style-type: none"> ▪ Proposed legislation which requires that reimbursement to the provider for specified spinal surgeries be capped at 2 times the applicable Medical Severity Diagnostic Related Groups (MSDRG) rate unless the case qualifies for outlier reimbursement. ▪ Further information regarding the proposed legislation may be viewed at: http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0851-0900/sb_896_bill_20110427_amended_sen_v98.pdf 	<ul style="list-style-type: none"> ▪ Died at the end of the 2011 Legislative Session. 	<ul style="list-style-type: none"> ▪ N/A
SB127 Official Medical Fee Schedule	<ul style="list-style-type: none"> ▪ Vetoed legislation which, in order to keep the Official Medical Fee Schedule appropriately updated, requires the Administrative Director of the Division of Workers' Compensation (DWC) to annually adopt the Current Procedural Terminology (CPT) codes, descriptors and modifiers published by the American Medical Association. ▪ Further information regarding the vetoed legislation may be viewed at: http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0101-0150/sb_127_bill_20110902_enrolled.pdf 	<ul style="list-style-type: none"> ▪ Vetoed by the Governor on 10/9/11. 	<ul style="list-style-type: none"> ▪ N/A
SB923 Official Medical Fee Schedule	<ul style="list-style-type: none"> ▪ Proposed legislation which would require the Division of Workers' Compensation (DWC) to adopt an Official Medical Fee Schedule for physician services based on the resource-based relative value scale (RBRVS) by 1/1/2013, and update the schedule biennially. ▪ Further information regarding the proposed legislation may be view at: http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0901-0950/sb_923_bill_20110531_amended_sen_v95.pdf 	<ul style="list-style-type: none"> ▪ Died at the end of the 2011 Legislative Session. 	<ul style="list-style-type: none"> ▪ N/A

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Colorado			
Rule 17 - Workers' Compensation Rules of Procedure Medical Treatment Guidelines	<ul style="list-style-type: none"> ▪ Proposed regulations which amend the Complex Regional Pain Syndrome/ Reflex Sympathetic Dystrophy and Chronic Pain Disorder exhibits of the Division of Workers' Compensation Medical Treatment Guidelines. ▪ Further information regarding the proposed amendments to the Complex Regional Pain Syndrome/ Reflex Sympathetic Dystrophy exhibit may be viewed at: http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251743641330&ssbinary=true ▪ Further information regarding the proposed amendments to the Chronic Pain Disorder exhibit may be viewed at: http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251743641350&ssbinary=true 	<ul style="list-style-type: none"> ▪ Public hearing was held on 11/3/11. 	<ul style="list-style-type: none"> ▪ N/A
Rule 16 - Workers' Compensation Rules of Procedure Utilization Standards	<p>Adopted regulations which:</p> <ul style="list-style-type: none"> ▪ Require prior authorization for a medical procedure not listed in the fee schedule or lacking a designated RVU. ▪ List the supporting documentation required to substantiate the need for the requested service or procedure when requesting prior authorization. ▪ Further information regarding the adopted amendments may be viewed at: http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251743641211&ssbinary=true 	<ul style="list-style-type: none"> ▪ Adopted on 9/30/11. 	<ul style="list-style-type: none"> ▪ 1/1/12
Rule 18 - Workers' Compensation Rules of Procedure Medical Fee Schedule	<ul style="list-style-type: none"> ▪ Adopted regulations which, among other things, require prior authorization for compound drugs and the use of the original national drug code (NDC), not a repackaged NDC, for billing. ▪ Further information regarding the adopted regulations may be viewed at: http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251743641229&ssbinary=true 	<ul style="list-style-type: none"> ▪ Adopted on 9/30/11. 	<ul style="list-style-type: none"> ▪ 1/1/12

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Connecticut			
SB986 Employer's Notice to Discontinue Treatment	Proposed legislation which, among other things: <ul style="list-style-type: none"> ▪ Specifies the requirements needed in an employer's notice to an employee that such employer is seeking to discontinue, reduce or deny a course of treatment deemed reasonable by a physician. ▪ Requires such notice to include an opinion from a physician licensed to practice medicine in Connecticut that the course of treatment recommended by the attending physician is not reasonable or necessary and does not meet the standard of care that should be exercised by a physician practicing in the same specialty as the attending physician, and the basis for such opinion. ▪ Further information regarding the proposed legislation may be viewed at: http://www.cga.ct.gov/2011/TOB/s/pdf/2011SB-00986-R01-SB.pdf 	<ul style="list-style-type: none"> ▪ Died at the close of the 2011 Legislative Session. 	<ul style="list-style-type: none"> ▪ N/A
Delaware			
Healthcare Records Authorization	<ul style="list-style-type: none"> ▪ Regulations adopted by the Industrial Accident Board which, among other things, establish requirements for the use of healthcare records authorizations and communication standards between a represented claimant's healthcare provider and an employer or insurance carrier. ▪ Further information regarding the adopted regulations may be viewed at: http://regulations.delaware.gov/register/december2011/final/15%20DE%20Reg%20854%2012-01-11.htm 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 12/12/11
Florida			
Overutilization by Providers	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation (DWC) adopted rules which, among other things, clarify the process by which carriers comply with their mandate to report to the DWC all instances of health care provider overutilization. ▪ Further information regarding the adopted rules may be viewed at: https://www.flrules.org/gateway/ChapterHome.asp?Chapter=69L-34 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 9/6/11
2011 Ambulatory Surgical Centers Reimbursement Manual	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation (DWC) adopted amendments to the 2011 version of the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers. ▪ Further information regarding the adopted amendments may be viewed at: https://www.flrules.org/Gateway/View_notice.asp?id=10622293 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 11/13/2011
2011 Health Care Provider Reimbursement Manual	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation (DWC) announced further changes made to the proposed amendments to the 2011 version of the Florida Workers' Compensation Reimbursement Manual for Health Care Providers. ▪ Further information regarding the proposed changes may be viewed at: https://www.flrules.org/gateway/readFile.asp?sid=3&tid=10385904&type=1&File=69L-7.020.htm 	<ul style="list-style-type: none"> ▪ Notice of change issued on 6/17/11. 	<ul style="list-style-type: none"> ▪ N/A

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SB668 Repackaged Drug Prices	<ul style="list-style-type: none"> ▪ Proposed legislation which revises requirements and establishes limitations on the reimbursement amount of repackaged drugs dispensed in the workers' compensation system. ▪ Further information regarding the proposed legislation may be viewed at: http://www.flsenate.gov/Session/Bill/2012/0668/BillText/Filed/HTML 	<ul style="list-style-type: none"> ▪ Referred to the Senate Committees on Banking and Insurance, Health Regulation, and Budget on 11/16/11. 	<ul style="list-style-type: none"> ▪ N/A
Hawaii			
HB463 Diagnostic Referrals	<ul style="list-style-type: none"> ▪ Proposed legislation which allows an injured employee's physician or surgeon to conduct diagnostic testing or make a single referral to a board certified specialist for diagnostic evaluation and treatment recommendations without authorization from an insurer or employer. ▪ The request for the diagnostic evaluation and treatment recommendations shall not be subject to contest by the insurer or employer. ▪ Further information regarding the proposed legislation may be viewed at: http://www.workcompcentral.com/pdf/2011/misc/HawaiiHB463.pdf 	<ul style="list-style-type: none"> ▪ Referred to the House Committee on Finance on 2/18/11. 	<ul style="list-style-type: none"> ▪ N/A
HB466 Independent Medical Examinations	<ul style="list-style-type: none"> ▪ Proposed legislation requires, among other things, independent medical examinations for workers' compensation claims to be performed by physicians mutually agreed upon by employers and employees or appointed by the director of the Department of Labor and Industrial Relations. ▪ Further information regarding the proposed legislation may be viewed at: http://www.capitol.hawaii.gov/session2011/lists/measure_indiv.aspx?billtype=HB&billnumber=466 	<ul style="list-style-type: none"> ▪ Passed in the House and referred to the Senate Committees on Health, Judiciary and Labor, and Ways and Means on 3/10/11. 	<ul style="list-style-type: none"> ▪ N/A
HB1243 Drug Price Caps	<ul style="list-style-type: none"> ▪ Proposed legislation establishes price caps for the Hawaii workers' compensation insurance system for drugs, including repackaged drugs and compound medications. ▪ Further information regarding the proposed legislation may be viewed at: http://www.capitol.hawaii.gov/session2011/lists/measure_indiv.aspx?billtype=HB&billnumber=1243 	<ul style="list-style-type: none"> ▪ Passed in the House and referred to the Senate Judiciary and Labor Committee on 3/24/11. 	<ul style="list-style-type: none"> ▪ N/A
SB1414 Repackaged Drug Prices	<ul style="list-style-type: none"> ▪ Proposed legislation restricts markups of repackaged prescription drugs and physician-dispensed premixed or prepackaged compounded medications to what is currently authorized for retail pharmacies under state law. ▪ Further information regarding the proposed legislation may be viewed at: http://www.capitol.hawaii.gov/session2011/lists/measure_indiv.aspx?billtype=SB&billnumber=1414 	<ul style="list-style-type: none"> ▪ Referred to the Senate Judiciary and Labor Committee on 2/16/11. 	<ul style="list-style-type: none"> ▪ N/A
Idaho			
Medical Fee Schedule	<ul style="list-style-type: none"> ▪ Proposed rules which provide for the annual adjustment of the medical fee schedule for physician reimbursement. ▪ Further information regarding the proposed rules may be viewed at: http://www.iic.idaho.gov/medical/published_proposed_rule.pdf 	<ul style="list-style-type: none"> ▪ Comment period ended on 10/26/11. 	<ul style="list-style-type: none"> ▪ N/A

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Illinois			
HB0076 Payment of Medical Expenses	Proposed legislation which: <ul style="list-style-type: none"> ▪ Requires claimants to be notified of the specific reason for a denial to pay medical expenses, otherwise, the claim should not be given the rebuttable presumption that the employer shall not be responsible for payment of additional compensation if that denial or refusal to authorize complies with a utilization review program. ▪ Increases daily and total additional compensation allowed when an employer or his or her insurance carrier, without good and just cause, fail, neglect, refuse, or unreasonably delay the payment of medical or compensation benefits due. ▪ Further information regarding the proposed legislation may be viewed at: http://www.ilga.gov/legislation/97/HB/PDF/09700HB0076lv.pdf 	<ul style="list-style-type: none"> ▪ Re-referred to the House Rules Committee on 3/17/11. 	<ul style="list-style-type: none"> ▪ N/A
HB1698 Workers' Compensation Reform	Enacted legislation which, among other things: <ul style="list-style-type: none"> ▪ Establishes preferred provider programs, which must first be approved by the Illinois Department of Insurance, for workers' compensation claims and through which their employees must treat with providers in that network for injuries claimed to arise out of and in the course of the employment. ▪ Establishes a fee schedule for drugs dispensed outside of a licensed pharmacy at no more than average wholesale price (AWP) plus a \$4.18 dispensing fee effective 9/1/11. ▪ Establishes structural changes and reductions to the Medical Fee Schedule. ▪ Strengthens existing provision for utilization review. ▪ Requires use of the current edition of the <i>AMA Guides to the Evaluation of Permanent Impairment</i> in determining impairment ratings on or after 9/1/11. ▪ Caps reimbursements for implants used in spinal surgeries to 25% above the manufacturer's invoice price. ▪ Requires all employers and insurers to accept electronic claims for payment of medical services on or before 6/1/12. ▪ Further information regarding the enacted legislation may be viewed at: http://www.ilga.gov/legislation/publicacts/97/097-0018.htm 	<ul style="list-style-type: none"> ▪ Signed by the Governor on 6/29/11. 	<ul style="list-style-type: none"> ▪ 6/29/11 unless otherwise noted.
Louisiana			
Electronic Billing	<ul style="list-style-type: none"> ▪ Proposed rules which provide a framework for electronic billing, processing, and payment of medical services and products provided to an injured employee. ▪ Further information regarding the proposed rules may be viewed beginning on page 2853 at: http://www.doa.louisiana.gov/osr/reg/1109/1109.doc 	<ul style="list-style-type: none"> ▪ Comment period ended on 10/10/11. 	<ul style="list-style-type: none"> ▪ N/A
Pharmaceutical Billing	<ul style="list-style-type: none"> ▪ The Louisiana Workforce Commission proposed rules which amend pharmaceutical billing instructions and documentation requirements. ▪ Further information regarding the proposed rules may be viewed on page 2539 at: http://www.doa.louisiana.gov/osr/reg/1108/1108.doc 	<ul style="list-style-type: none"> ▪ Comment period ended on 8/30/11. 	<ul style="list-style-type: none"> ▪ N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
Maine			
Medical Fees	<ul style="list-style-type: none"> ▪ Adopted rules which update the professional services fee rule and enact schedules of maximum reimbursement for inpatient, outpatient and surgical center facility fees. ▪ Further information regarding the adopted rules may be viewed at: http://www.maine.gov/wcb/rules/2011%20MFS.htm 	<ul style="list-style-type: none"> ▪ Adopted. 	<ul style="list-style-type: none"> ▪ 12/11/11
HB791 Independent Medical Examinations	<p>Enacted legislation which:</p> <ul style="list-style-type: none"> ▪ Provides that an independent medical examiner must be certified in the field of practice that treats the type of injury complained of by the employee. ▪ Provides that an independent medical examiner selected and paid for by an employer to examine an employee is limited to 12 such examinations per calendar year. ▪ Requires the examiner to notify the board of the name of the employee and the employer or the insurance company that requested the examination and the date of the examination within 10 days of the date of the examination. ▪ Further information regarding the enacted legislation may be viewed at: http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0791&item=6&snum=125 	<ul style="list-style-type: none"> ▪ Signed by the Governor on 6/3/11. 	<ul style="list-style-type: none"> ▪ 6/3/11
Maryland			
First Report of Injury	<ul style="list-style-type: none"> ▪ The Maryland Worker's Compensation Commission posted an Advisory indicating that the Employer's First Report of Injury form must be mailed to the Commission and a copy must also be sent to the Department of Labor, Licensing & Regulation, Division of Labor and Industry, MOSH Research and Statistics. ▪ The Advisory may be viewed here: http://www.wcc.state.md.us/Adjud_Claims/Notices_and_Announcements/Oct_2011_Notices.html 	<ul style="list-style-type: none"> ▪ Advisory posted. 	<ul style="list-style-type: none"> ▪ 10/2011
Prescription Drug Reimbursement	<ul style="list-style-type: none"> ▪ Proposed regulations amend the Guide of Medical and Surgical Fees to establish a uniform fee or pricing schedule for reimbursing prescription drugs required to treat an injured covered employee irrespective of the identity of the person or entity that dispenses the prescription drug. ▪ Further information regarding the proposed regulations may be viewed at: http://www.dsd.state.md.us/MDRegister/3823/Assembled.htm#_Toc307920350 	<ul style="list-style-type: none"> ▪ Comment period ended on 12/5/11. 	<ul style="list-style-type: none"> ▪ N/A
Michigan			
HB5002 Workers' Compensation Reform	<ul style="list-style-type: none"> ▪ Passed legislation which, among other things, increases the period that an employer may select the treating provider from 10 days to 45 days. ▪ Further information regarding the passed legislation may be viewed at: http://www.legislature.mi.gov/documents/2011-2012/billengrossed/House/htm/2011-HEBH-5002.htm 	<ul style="list-style-type: none"> ▪ Sent to the Governor on 12/14/11. 	<ul style="list-style-type: none"> ▪ N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
Nebraska			
Medical, Surgical and Hospital Fees	<ul style="list-style-type: none"> Proposed rule amendments which revise the schedule of fees for Medical, Surgical and Hospital Services. The Nebraska Workers' Compensation Court website may be viewed at: http://www.wcc.ne.gov/Default.aspx 	Public hearing was held on 12/15/11.	N/A
New Hampshire			
SB 71 Medical Fee Schedule	<ul style="list-style-type: none"> Proposed legislation which creates a Medicare-based medical fee schedule for workers' compensation health care reimbursement. Further information regarding the fee schedule may be viewed at: http://www.gencourt.state.nh.us/legislation/2012/SB0071.html 	Re-referred to the Senate Commerce Committee on 3/9/11.	N/A
New Mexico			
Payments for Health Care Services	<ul style="list-style-type: none"> The New Mexico Workers' Compensation Administration proposed rule amendments which increase the maximum allowable reimbursement rate for anesthesiologists. Further information regarding the proposed amendments may be viewed at: http://www.workerscomp.state.nm.us/proposed/Part_7_Proposed_Changes.doc 	Comment period ended on 11/23/11.	N/A
New York			
Diagnostic Testing Networks	<ul style="list-style-type: none"> The New York State Workers' Compensation Board proposed rules which would permit carriers and employers to contract with and direct use of a diagnostic testing network. Further information regarding the proposed rules may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/Proposed/Part325_1_5.jsp 	Comment period ends on 1/9/12.	N/A
Carpal Tunnel Syndrome Treatment Guidelines	<ul style="list-style-type: none"> The Chair of the New York State Workers' Compensation Board issued a Bulletin seeking stakeholder comments on draft Carpal Tunnel Syndrome Treatment Guidelines. The Bulletin may be viewed at: http://www.wcb.ny.gov/content/main/SubjectNos/sn046_469.jsp The draft Carpal Tunnel Syndrome Treatment Guidelines may be viewed at: http://www.wcb.ny.gov/content/main/hcpp/MedicalTreatmentGuidelines/ProposedCTS_Guidelines.pdf 	Comment period ended 12/1/11.	N/A
Medical Treatment Guidelines	<ul style="list-style-type: none"> The New York State Workers' Compensation Board adopted new regulations which establish guidelines for the treatment of injured workers, the process for obtaining variances to the guidelines and voluntary preauthorization. Further information regarding the adopted regulations may be viewed at: http://www.wcb.ny.gov/content/main/hcpp/MedicalTreatmentGuidelines/MTGOverview.jsp 	Adopted.	12/1/10

Legislation	Synopsis	Status & Last Action Date	Effective Date
NY Codes, Rules and Regulations Subchapter M Emergency Rule Pharmacy and Durable Medical Goods Fee Schedules	Re-adopted emergency regulation in place for 90 days or until replaced by a permanently adopted rule which, among other things: <ul style="list-style-type: none"> ▪ Establishes a pharmacy fee schedule in uncontroverted cases at the average wholesale price (AWP) minus 12% plus a \$4 dispensing fee for brand name drugs and AWP minus 20% plus a \$5 dispensing fee for generic drugs. ▪ Sets pharmacy reimbursement rates in controverted cases at 25% above the maximum rate plus a dispensing fee of \$7.50 for generic drugs and \$6 for brand name drugs. ▪ Continues to index the DME fee schedule to the New York State Medicaid fee schedule. ▪ Further information regarding the emergency rule may be viewed at: http://www.wcb.ny.gov/content/main/wclaws/Emergency/SubchapterM_9-9-11.jsp 	<ul style="list-style-type: none"> ▪ Re-adopted on 9/9/11. 	<ul style="list-style-type: none"> ▪ 9/9/11
A5183A S4243A Pharmacy Network Direction of Care	Proposed legislation which, among other things: <ul style="list-style-type: none"> ▪ Restores the ability of injured workers to choose any pharmacy and removes current pharmacy network direction of care provisions. ▪ Requires initial prescription fills for claims to not exceed a 14-day supply. ▪ Further information regarding the proposed legislation may be viewed at: http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=AO5183&term=&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> ▪ Assembly: Recommitted to Codes Committee on 6/6/11. ▪ Senate: Recommitted to Labor Committee on 6/6/11. 	<ul style="list-style-type: none"> ▪ N/A
A6294 Medical Treatment Guidelines	<ul style="list-style-type: none"> ▪ Proposed legislation which prohibits application of the medical treatment guidelines for dates of injury prior to 12/1/10. ▪ Further information regarding the proposed legislation may be viewed at: http://assembly.state.ny.us/leg/?default_fld=&bn=A06294%09%09&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> ▪ Passed in the Assembly on 6/20/11 and recommitted to the Senate Rules Committee on 6/24/11 	<ul style="list-style-type: none"> ▪ N/A
S4243A A5361A Massage Therapists	<ul style="list-style-type: none"> ▪ Proposed legislation which adds licensed massage therapists to the list of providers in the workers' compensation system. ▪ Further information regarding the proposed legislation may be viewed at: http://assembly.state.ny.us/leg/?default_fld=&bn=S04243%09%09&Summary=Y&Text=Y 	<ul style="list-style-type: none"> ▪ Senate: Re-referred to the Senate Labor Committee on 5/19/11. ▪ Assembly: Referred to the Rules Committee on 6/6/11. 	<ul style="list-style-type: none"> ▪ N/A
S3056 A1972 Social Worker Treatment	<ul style="list-style-type: none"> ▪ Proposed legislation authorizes the care and treatment of injured employees by a licensed social worker upon the referral of a physician. ▪ Directs the Chair of the Workers' Compensation Board to establish a fee schedule for social work treatment and care. ▪ Further information regarding the proposed legislation may be viewed at: http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=a1972&term=&Summary=Y&Actions=Y&Text=Y 	<ul style="list-style-type: none"> ▪ Senate: Referred to Labor on 1/12/11. ▪ Assembly: Referred to the Committee on Labor on 2/7/11. 	<ul style="list-style-type: none"> ▪ N/A
Ohio			
Treatment Requests and Vocational Rehabilitation	<ul style="list-style-type: none"> ▪ The Ohio Bureau of Workers' Compensation proposed amendments to the rules regarding medical treatment reimbursement requests and vocational rehabilitation. ▪ Further information regarding the proposed amended rules may be viewed at: http://www.registerofohio.state.oh.us/pdfs/phn/4123_NO_137040_20110506_1507.pdf 	<ul style="list-style-type: none"> ▪ Public hearing was held on 6/13/11. 	<ul style="list-style-type: none"> ▪ N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
Outpatient Medication Payment	<ul style="list-style-type: none"> The Ohio Bureau of Workers' Compensation adopted amendments to the rules regarding outpatient medication payment. Further information regarding the adopted amendments may be viewed at: https://www.ohiobwc.com/downloads/blankpdf/OAC4123-6-21.pdf 	<ul style="list-style-type: none"> Adopted 	<ul style="list-style-type: none"> 9/1/11
Outpatient Medication Formulary	<ul style="list-style-type: none"> The Ohio Bureau of Workers' Compensation adopted a new rule establishing an outpatient medication formulary with an effective date of 9/1/11. Further information regarding the adopted rule may be viewed at: https://www.ohiobwc.com/downloads/blankpdf/OAC4123-6-21.3.pdf The adopted formulary may be viewed at: https://www.ohiobwc.com/downloads/blankpdf/OAC4123-6-21.3Appendix.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 9/1/11
Oklahoma			
Schedule of Medical and Hospital Fees	<ul style="list-style-type: none"> The Oklahoma Workers' Compensation Court Administrator adopted a new workers' compensation Schedule of Medical and Hospital Fees. Further information regarding the new fee schedule may be viewed at: http://www.owcc.state.ok.us/PDF/2012%20Fee%20Schedule.pdf 	<ul style="list-style-type: none"> Adopted. 	<ul style="list-style-type: none"> 1/1/12
Oregon			
HB2093 Managed Care Organizations	<p>Enacted legislation which specifies that only a certified managed care organization may:</p> <ul style="list-style-type: none"> Restrict an injured worker's choice of a health care or medical service provider. Restrict an injured worker's access to any category of medical service providers. Restrict a medical service provider's ability to refer an injured worker to another provider. Require preauthorization or precertification to determine the necessity of medical services or treatment. Restrict treatment provided to an injured worker by a medical service provider to specific treatment guidelines, protocols or standards. Further information regarding the enacted legislation may be viewed at: http://www.leg.state.or.us/11reg/measures/hb2000.dir/hb2093.en.html The Workers' Compensation Division (WCD) of the Department of Consumer and Business Services issued a Notice which outlines these restrictions and calls for civil penalties for enforcement. The Notice may be viewed at: http://www.cbs.state.or.us/wcd/communications/industry_notices/workers_11_14_11.pdf 	<ul style="list-style-type: none"> Legislation signed by the Governor on 5/19/11. WCD notice issued on 11/14/11. 	<ul style="list-style-type: none"> 1/1/12

Legislation	Synopsis	Status & Last Action Date	Effective Date
HB2743 Podiatry	<ul style="list-style-type: none"> Enacted legislation which adds podiatric physicians and surgeons to the definition of "attending physician" for purposes of workers' compensation treatment. Further information regarding the enacted legislation may be viewed at: http://www.leg.state.or.us/11reg/measpdf/hb2700.dir/hb2743.en.pdf 	<ul style="list-style-type: none"> Signed by the Governor on 5/19/11. 	<ul style="list-style-type: none"> 1/1/12
Pennsylvania			
Utilization Review	<ul style="list-style-type: none"> The Pennsylvania Department of Labor and Industry, Bureau of Workers' Compensation, announced that the utilization review request form has been revised, and older versions of the form will not be accepted after 1/1/12. Further information regarding the announcement and the revised form may be viewed at: http://www.portal.state.pa.us/portal/server.pt/community/workers%27_compensation/10386 	<ul style="list-style-type: none"> Revised form was posted on 10/24/11. 	<ul style="list-style-type: none"> 1/1/12
South Carolina			
Maximum Allowable Payments to Medical Practitioners	<ul style="list-style-type: none"> Proposed amendment removes the limitation of using a relative value scale and one conversion factor when establishing maximum allowable payments for medical services provided by medical practitioners. Further information regarding the proposed amendment may be viewed at: http://www.wcc.state.sc.us/NR/rdonlyres/CC438F58-D6E2-44FE-9E04-18D5D8091B82/0/RegulationNotification20110715doc671302.pdf 	<ul style="list-style-type: none"> Public hearing was held on 8/15/11. 	<ul style="list-style-type: none"> N/A
South Dakota			
Case Management, Fee Schedule, Optimal Recovery Guidelines	<ul style="list-style-type: none"> The South Dakota Department of Labor and Regulation, Division of Labor and Management, proposed rule amendments which update references in the workers compensation medical case management rules, simplify the workers' compensation fee schedule, and repeal the Department's outdated optimal recovery guidelines. Further information regarding the proposed rules may be viewed at: http://dlr.sd.gov/workerscomp/hearing_workers_comp_case_management.pdf 	<ul style="list-style-type: none"> Public hearing was held on 10/20/11. 	<ul style="list-style-type: none"> N/A
Tennessee			
Medical Cost Containment Program	<ul style="list-style-type: none"> The Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, proposed rules which, among other things, amend the process for resolving differences between carriers and providers regarding bills and the recovery of payment sections of Medical Cost Containment Program. Further information regarding the proposed rules may be viewed at: http://www.tn.gov/sos/rules_filings/08-11-11.pdf 	<ul style="list-style-type: none"> Public hearing was held on 9/28/11. 	<ul style="list-style-type: none"> N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
Medical and In-Patient Hospital Fee Schedules	<ul style="list-style-type: none"> ▪ The Tennessee Department of Labor and Workforce Development, Division of Workers' Compensation, proposed rules which amend the Medical and In-Patient Hospital Fee Schedules. ▪ Further information regarding the proposed rules may be viewed at: http://www.tn.gov/sos/rules_filings/08-11-11.pdf 	<ul style="list-style-type: none"> ▪ Public hearing was held on 9/28/11. 	<ul style="list-style-type: none"> ▪ N/A
Texas			
<p>28 Texas Administrative Code, §§19.2001 - 19.2017 and 19.2019 - 19.2021</p> <p>Utilization Reviews for Health Care Provided Under Workers' Compensation Insurance Coverage</p>	<p>The Texas Department of Insurance has withdrawn proposed formal amendments to utilization review rules which, among other things:</p> <ul style="list-style-type: none"> ▪ Clarify that an adverse determination for utilization review provided under workers' compensation insurance does not include a determination that healthcare services are experimental or investigational. ▪ Revise the definition of "utilization review" to include retrospective review of health care services. ▪ Further information regarding the withdrawn proposed formal rules may be viewed at: http://www.tdi.texas.gov/rules/2011/documents/URA-PRO.pdf 	<ul style="list-style-type: none"> ▪ Rules withdrawn on 11/21/11. 	<ul style="list-style-type: none"> ▪ N/A
<p>28 Texas Administrative Code, §§133.2, 133.240, 133.250, 133.270, 133.305 and 134.600</p> <p>Medical Payments and Denials</p> <p>Preauthorization, Concurrent Review, and Voluntary Certification</p>	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation (DWC) has withdrawn proposed formal rules which were intended to implement House Bill 4290 enacted in 2009 and harmonize such rules with separately proposed revisions to rules concerning utilization reviews for health care provided under workers' compensation insurance coverage. ▪ Further information regarding the withdrawn proposed rules may be viewed at: http://www.sos.state.tx.us/texreg/archive/July292011/PROPOSED/28.INSURANCE.html#71 ▪ The withdrawal notice may be viewed at: http://www.tdi.texas.gov/wc/rules/documents/ura1211.pdf 	<ul style="list-style-type: none"> ▪ Rules withdrawn on 12/6/11. 	<ul style="list-style-type: none"> ▪ N/A

Legislation	Synopsis	Status & Last Action Date	Effective Date
28 Texas Administrative Code, §134.503 and §134.504 Pharmaceutical Benefits	The Division of Workers' Compensation (DWC) adopted amendments which: <ul style="list-style-type: none"> ▪ Establish the pharmacy fee guideline for prescription and non-prescription drugs or over-the counter medications that are dispensed for outpatient use. ▪ Allows the carrier and health care provider to contract for amounts that are inconsistent with the pharmacy fee guideline as long as the contract complies with the Labor Code and DWC rules. ▪ Further information regarding the adopted amendments may be viewed at: http://www.tdi.texas.gov/wc/rules/adopted/documents/aopfg1011.pdf 	<ul style="list-style-type: none"> ▪ Adopted on 9/30/11. 	<ul style="list-style-type: none"> ▪ 10/23/11
Medical Quality Review Procedures	<ul style="list-style-type: none"> ▪ The Division of Workers' Compensation (DWC) seeks comment and input regarding a draft of the Medical Quality Review Procedures. ▪ The Texas Department of Insurance, Division of Workers' Compensation (DWC) website may be viewed at: http://www.tdi.state.tx.us/wc/indexwc.html 	<ul style="list-style-type: none"> ▪ Stakeholder meeting was held on 12/14/10. 	<ul style="list-style-type: none"> ▪ N/A
Utah			
SB248 Controlled Substance Database Access	<ul style="list-style-type: none"> ▪ Enacted legislation which authorizes certain physicians to access the Controlled Substance Database for the purpose of reviewing a patient's request for workers' compensation benefits. ▪ Further information regarding the enacted legislation may be viewed at: http://le.utah.gov/~2011/htmdoc/sbillhtm/sb0248.htm 	<ul style="list-style-type: none"> ▪ Signed by the Governor on 3/22/11. 	<ul style="list-style-type: none"> ▪ 1/1/12

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