Workers' Comp

StateWatch: Bill Review December 2018 / January 2019

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NATIONAL

The **Centers for Medicare and Medicaid** (CMS) has posted updates to the following fee schedules which all go into effect Jan. 1, 2019:

- Ambulance rates
- Health Professional Shortage Area (HPSA) physician bonus payment
- Healthcare Common Procedure Coding System (HCPCS)
- Physician's Fee Schedule and RVU files
- Home Health

Seven states are in the process of updating to the International Association of Industrial Accident Boards and Commissions Electronic Data Interchange (EDI) Claims Standards. The standards are used by claims administrators to report workers' compensation first report of injury and subsequent report of injury claims data to U.S. jurisdictions. EDI Claims Release 3.1 is the most current release and is maintained on an ongoing basis. Below is the schedule of states updating to 3.1:

- Oklahoma, September 2018
- Kansas, November 2018
- Indiana, March 2019
- Nebraska, May 2019

- Illinois, June 2019
- Maine, August 2019
- South Carolina, October 2019

ALASKA

The **Workers' Compensation Division** has updated the state's Medical Fee Schedule which will be effective Jan. 1, 2019.

CALIFORNIA

The **Department of Industrial Relations** (DIR) has recently updated its fee schedules for physician and ambulance. The changes take effect Jan. 1, 2019. DIR also announced the Inpatient Hospital Fee Schedule update has been made to conform to Medicare. The changes became effective Dec. 1.

Along with updates to the fee physician schedule, the state has adopted Geographic Practice Cost Index (GPCI) pricing, which will take effect Jan. 1, 2019.

WATCHLIST: Proposed amendments to the Pharmaceutical Fee Schedule have been posted by the **DWC**. If adopted, the new payment methodology will take effect Jan. 1, 2019.

COLORADO

The **Department of Labor and Employment** has adopted several changes to the following rules:

- Rule 11: Division Independent Medical Examination, effective Jan. 1, 2019
- Rule 16: Utilization Standards, effective Jan. 1, 2019
- Rule 17: Exhibit 2 Traumatic Brain Injury, effective Jan. 30, 2019
- Rule 18: Medical Fee Schedule, effective Jan. 1, 2019

HAWAII

The **Workers' Comp and Auto Medicare Physician Fee Schedule** (MPFS) Values update has been made and is effective Jan. 1, 2019.

ILLINOIS

A veto on **SB 904** has been overridden by both the state House and Senate. This bill and its companion initiatives are designed to allow medical providers to bill insurance carriers directly. SB 904 will also impose penalties of 1 percent allowance for every 30 days after payment is overdue. This penalty has been in effect since Sept. 1, 2011.

INDIANA

SB 369 has been signed into law by Gov. Holcomb. The initiative designates the Official Disability Guidelines (ODG) as the state's formulary which goes into effect Jan. 1, 2019. The formulary allows workers' compensation carriers to disallow payment for "N" drugs.

MARYLAND

The **Workers' Compensation Commission** has updated its Medical Fee Schedule data files and reimbursement rates which go into effect Jan. 1, 2019.

MISSISSIPPI

The **Workers' Compensation Commission** has updated its fee schedule including cost-to-charge ratios, annual amounts, and DRG relative weights. The changes take effect Jan.1, 2019.

NEBRASKA

WATCHLIST: The state's **Workers' Compensation Court** has proposed updates for Schedules of Fees for Medical Surgical and Hospital Services which will take effect on Jan. 1, 2019, if adopted.

NEW MEXICO

The state's **Workers' Compensation Administration** has adopted the changes made to the Provider Fee Schedule and Billing Instructions, effective Jan. 1, 2019. In addition, the New Mexico Gross Receipts Tax Rates have been updated and take effect Jan, 1, 2019.

NEW YORK

The state's **Workers' Compensation Board** (WCB) has made the decision to adopt the CMS-1500 form which will replace several state-specific forms. Plans to implement these changes will happen in phases beginning with voluntary submission in early 2019.

In other WCB news, the board updated its list of providers who were temporarily suspended from treating injured workers within the New York State workers' Compensation system.

WATCHLIST: On Dec. 5, the WCB chair released an amendment to the Pharmacy Fee Schedule which would change the method for determining fee allowance for prescription drugs.

OHIO

WATCHLIST: Amendment to Rule 4123-6-21.3 for **Outpatient Medication Formulary** has been proposed and will take effect Jan. 1, 2019, if adopted.

OKLAHOMA

Bill SB 1446 for regulation of opioid drugs has been signed by **Gov. Fallin**. The new initiative went into effect Nov. 1.

TENNESSEE

Bill SB 2257 has been signed by **Gov. Haslam**. The initiative changes rules to prescribing and dispensing opioids. This bill goes into effect Jan. 1, 2019.

TEXAS

The **Department of Insurance's** annual update to the conversion factors has been made and will take effect Jan. 1, 2019.

VIRGINIA

The **Workers' Compensation Commission** has adopted electronic billing rules under chapter 16VAC30-16-10. The mandatory effective date is July 1, 2019, however, providers and payers may voluntarily comply starting Dec. 31, 2018.

WASHINGTON

The **Department of Labor and Industries** has made updates to the Outpatient Drug Formulary and Selected Preferred Drug list. The changes take effect Jan. 1,



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