

Workers' Comp Regulatory Activity

October 15, 2020 – December 1, 2020

COLORADO

Reg ID: CO59883

Issues: Workers' Compensation Utilization Review

Summaries: The Division has adopted amendments to the rule regarding utilization standards. Specifically, the amendments update general policies including; provider requirements, procedures for out-of-state providers, required use of the medical treatment guidelines, prior authorization, and payment requirements for medical bills.

WJH+WHN: The Department published notice of the final rule, effective 1/1/2021.

Links:

- [Final Rule Text](#)
- [Proposed Rule Text](#)

KENTUCKY

Reg ID: KY61768

Issues: Workers' Compensation Coverage

Summaries: The Department has issued an order regarding the calculation of lump-sum settlements in future periodic payments. The order states that the commissioner will set the discount rate used in the calculation of the settlement amount. Before the beginning of each year, the commissioner will fix the rate to be used in the upcoming year based at 0.5% below the interest rate paid upon ten years' worth of U.S. Treasury Notes as of August 1 the preceding year. If the lump-sum settlement is worth \$40 or less in weekly periodic payments, the fixed rate should be based at the interest rate paid upon ten years of the U.S. Treasury Notes as of August 1 of that year. Therefore, for the calendar year of 2021, the discount rate for lump-sum settlements of future periodic payments that are above \$40 is .625% and those below \$40 are .125%.

WJH+WHN: The Department has issued an order and posted notice on the agency website. The order is effective 11/10/2020.

Links: [Final Order](#)

Note: This information is neither intended to be all-inclusive for the industry, nor for public redistribution. Please feel free to send your questions, comments, suggestions, and requests for further information to Coventry at Regulatory@cvtv.com.

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OHIO

Reg ID: OH60216

Issues: Workers' Compensation Coverage

Summaries: The Bureau adopted a rule amendment which extends the provisional treatment approval pilot program. The adopted amendment extends the pilot program's authorization through 12/31/2021. The pilot program does not impair the ability of any employer to appeal a claim, additional allowance, or medical treatment reimbursement. The administrator still has the authority to terminate the pilot program early at their discretion.

WJH+WHN: The Bureau published notice of the final rule in the Register of Ohio. The rule is effective 1/1/2021.

Links:

- [Final Rule Text \(Redline\)](#)
- [Proposed Rule Text](#)
- [Notice of Final Rule](#)

OREGON

Reg ID: OR60384

Issues: Workers' Compensation Coverage

Summaries: The Department adopted amendments to rules related to 2021 workers' compensation premium assessment rates. The amendments update 440-045-0020, which is entitled "Assessment Rate." The amendments increase the assessment to be levied against insurers, self-insured employers, and self-insured employer groups for Calendar Year 2021 to 9.0 percent, from 8.4 percent.

The amendments update 40-045-0025 which is entitled "Adjustment Reserve Rate." The amendments maintain the additional assessment for self-insured employers and public self-insured employer groups for the Calendar Year 2021 at 0.1 percent. The amendments also keep the additional assessment rate for private self-insured employer groups at 0.5 percent.

WJH+WHN: The Department published notice of the final rules in the November Oregon Bulletin. The rules have an effective date of 1/1/2021.

Links:

- [Final Rules Notice](#)
- [Memorandum \(Exhibit B\)](#)
- [Memorandum \(Exhibit A\)](#)

TEXAS

Reg ID: TX57652

Issues: Workers' Compensation Coverage

Summaries: The Division re-adopted rule amendments addressing workers' compensation. Specifically, the Division re-adopted sections in 28 Texas Administrative Code (TAC) as follows:

- a) Chapter 126 (General Provisions Applicable to All Benefits);
- b) Chapter 127 (Designated Doctor Procedures and Requirements); and
- c) Chapter 128 (Benefits--Calculation of Average Weekly Wage).

As a result of the rule review, DWC finds that the reasons for initially adopting the rules in 28 TAC Chapters 126, 127, and 128 continue to exist and readopts these rules in accordance with the requirements of Texas Government Code Section 2001.039.

WJH+WHN: The Division published notice of the final rule on their website on 11/5/2020. The final rule review was subsequently published in the Texas Register on 11/13/2020. The rule re-adoption is effective 12/4/2020.

Links:

- [Final Rule Review](#)
- [Department Notice – Re-adoption](#)
- [Departmental Discussion \(Pg. 3337\)](#)

WYOMING

Reg ID: WY59186

Issues: Workers' Compensation Provider Fee Schedule

Summaries: The Department has adopted amendments to the rule regarding worker's compensation fee schedules. The amendments update relative values for physicians and dentists, anesthesia conversion factor, facility fees, among others.

Specifically, the amendments include:

1. Adding the Centers for Medicare and Medicaid Services (CMS) as one of the medical resources and publications to aid in adjudicating bills;
2. Adding "Professional Fees" Section 2(c);
3. Updating Anesthesia conversion factor from \$51.12 to \$51.06;

4. Updating Section 4 - Fees for Supplies, Implants, Durable Medical Equipment (DME) Orthotics and Prosthetics by adopting the Wyoming Medicare rate plus 30% of the Healthcare Common Procedure Coding System;
5. Updating Section 6 - Fees for Pharmacy Items by adding to refer to the nutritional supplements section in Chapter 10, Section 18 for additional information;
6. Updating Section 8 - Fees for Ambulance Services by adding that the Division adopts CMS Medicare rates plus 10%;

The Division updates codes to the header Maximum Allowable "Medicare plus 10%." Additionally, the Division has added the following new sections: (1) Fees for Inpatient Hospital Services; (2) Fees for Skilled Nursing Services; (3) Fees for Inpatient Rehabilitation Services; (4) Fees for Ambulatory Surgery Services; and (5) Fees for Outpatient Facility Services.

WJH+WHN: The Department published notice of the final rule, effective 10/26/2020.

Links:

- [Final Rule](#)
- [Notice of Proposed Rule \(redlined\)](#)