

# Workers' Comp Regulatory Activity

August 15, 2019 – October 1, 2019

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## ILLINOIS

Reg ID: IL50586

**Issues:** Workers' Compensation Electronic Communications

**Summaries:** The Department adopted amendments to the rule governing workers' compensation electronic and standardized paper billing rules. The amendments implement PA 100-1117, which adds the requirement that the Department adopt rules to ensure that health care providers are responsible for supplying only those medical records pertaining to the provider's own claims that are minimally necessary under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**What Just Happened:** The Department published notice of the final rule in the register. The rule is retroactively effective 8/19/2019.

**Links:**

- [Notice of final rule \(pdf pg. 34\)](#)
- [8/13/2019 JCAR Agenda \(p. 6\)](#)
- [Notice of Modification Due to JCAR Objection \(p.7910\)](#)
- [June 2019 Notice of JCAR Objection \(p. 7304\)](#)
- [Notice of JCAR Review \(p. 6877\)](#)
- [Notice of proposed rule \(pdf pg. 27\)](#)

## KENTUCKY

Reg ID: KY36851

**Issues:** Opioid Prescribing Guidelines

**Summaries:** The Board adopted amendments to its rule concerning prescribing guidelines for pain medications. The revised amendments address the state's prescription drug monitoring program ("KASPER"), set limitations for Schedule II or Schedule III controlled substances containing hydrocodone, and update other provisions to bring them into alignment with Kentucky statute and the other state regulations.

**What Just Happened:** The final rule is effective 8/19/2019. Please note final rules are not published in the register.

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**Links:**

- [Final rule](#)
- [Notice of rule as amended by ARRS \(pdf pg. 123\)](#)
- [July 2019 ARRS Agenda \(p. 2\)](#)
- [2019 Notice of Re-proposed Rule \(p. 3472\)](#)
- [Original Notice of proposed rule \(pdf pg. 157\)](#)

**NEVADA****Reg ID:** NV38687**Issues:** Opioid Prescribing Guidelines, Workers' Compensation Opioid Limits

**Summaries:** The Board adopted amendments to a rule to adopt by reference the Guidelines for the Chronic Use of Opioid Analgesics, April 2017, published by the Federation of State Medical Boards of the United States, Inc. and to repeal the Dietary Guidelines for Americans, 2010, 7th edition, published jointly by the United States Department of Health and Human Services and the Department of Agriculture.

**What Just Happened:** The Board adopted and the Legislative Commission approved the rule and repeal. The rule and repeal became effective 8/21/2019.

**Links:**

- [Approved Rule](#)
- [Informational Statement](#)
- [Adopted Rule](#)
- [Agenda for 3/1/2019 Board Meeting](#)
- [Notice of Public Workshop](#)
- [Notice of Public Hearing](#)
- [Revised Proposed Rule](#)
- [Proposed Rule](#)
- [Draft Rule](#)

**NEW YORK****Reg ID:** NY52072**Issues:** Workers' Compensation Provider Issues

**Summaries:** The Board adopted amendments to its regulations regarding prior authorization (PA) for medical treatment and variances under the Workers' Compensation Medical Treatment Guidelines. The amendments: 1) require the method of same day transmission for PA and variance communications shall be the electronic forma prescribed by the Board, 2) add new provider types to the definition of "treating medical provider," including duly licensed acupuncturists, chiropractors, nurse practitioners, occupational therapists, physical therapists, physicians, physician assistants, podiatrists,

psychologists, or social workers, 3) clarify that providers requesting PA for pharmaceuticals or DME should not use the variance process, 4) clarify that physician assistants, acupuncturists, physical therapists and occupational therapists may not request variances, and 5) update other terms and references throughout.

**What Just Happened:** The Board published final rules. The effective date of the rules is 9/11/2019.

**Links:**

- [Notice of Final Rules \(PDF p. 13\)](#)
- [Notice of Proposed Rule \(p. 17\)](#)

## NEW YORK

**Reg ID:** NY52073

**Issues:** Workers' Compensation Provider Issues

**Summaries:** The Board adopted new regulations to set forth provisions governing authorization of medical providers under the state's Workers' Compensation program. The rules allow a duly New York State licensed acupuncturist, chiropractor, nurse practitioner, occupational therapist, physical therapist, physician, physician assistant, podiatrist, psychologist or social worker to become and authorized provider. The rules also set forth license and certification requirements, application procedures, and other provisions.

**What Just Happened:** The Board published final rules. The effective date of the rules is 9/11/2019.

**Links:**

- [Notice of Final Rules \(PDF p. 14\)](#)
- [Notice of Proposed Rule \(p. 18\)](#)

## OHIO

**Reg ID:** OH51988

**Issues:** Workers' Compensation Coverage

**Summaries:** The Bureau adopted a new regulation governing payment for treatment of concussion injuries in allowed claims. The rule defines terms, establishes what constitutes a concussion and related "clinical domains," allowed claims, and circumstances under which the physician of record may request additional conditions be allowed under the claim.

**What Just Happened:** The Bureau published notice of the final rule in the Register of Ohio. The rule is effective 1/1/2020.

**Links:**

- [Notice of Public Hearing](#)
- [Text of Proposed Rule](#)
- [Notice of Final Rule](#)
- [Business Impact Analysis](#)
- [Stakeholder Feedback Received Thus Far](#)
- [Draft Rule](#)

**OHIO****Reg ID:** OH51989**Issues:** Workers' Compensation Direction of Care

**Summaries:** The Bureau adopted amendments to three of its vocational rehabilitation regulations, as part of the 5-year rule review required by statute. The amendments affect: 4123-18-03, "Guidelines for referral to and acceptance into vocational rehabilitation," 4123-18-04, "Living maintenance allowance," and 4123-18-14, "Injured workers suffering compensable injuries, occupational diseases or death while in an approved vocational rehabilitation plan." The amendments remove or modify certain qualifying eligibility criteria, clarify the Bureau's responsibilities, and clarify other provisions.

**What Just Happened:** The Bureau published notice of the final rules in the Register of Ohio. The rules are effective 1/1/2020.

**Links:**

- [Text of Proposed Rule Number 4123-18-14](#)
- [Notice of Final Rule Number 4123-18-14](#)
- [Text of Proposed Rule Number 4123-18-04](#)
- [Notice of Final Rule Number 4123-18-04](#)
- [Notice of Public Hearing](#)
- [Text of Proposed Rule 4123-18-03](#)
- [Notice of Final Rule 4123-18-03](#)
- [Business Impact Analysis](#)
- [Stakeholder Feedback Received Thus Far](#)
- [Draft Rule Text](#)

**OHIO****Reg ID:** OH52287**Issues:** Workers' Compensation Direction of Care

**Summaries:** The Bureau adopted a new rule regarding temporary total examinations. The rule sets forth requirements, waivers, and other provisions regarding the examination to "determine the

employee's continued entitlement to temporary total disability compensation, the employee's rehabilitation potential, and the appropriateness of the employee's medical treatment."

**What Just Happened:** The Bureau published notice of the final rule in the Register of Ohio. The rule is effective 10/1/2019.

**Links:**

- [Notice of Final Rule](#)
- [Notice of Public Hearing](#)
- [Text of Proposed Rule](#)

## WYOMING

**Reg ID:** WY51678

**Issues:** Workers' Compensation Provider Fee Schedule

**Summaries:** The Department has adopted amendments in order to adopt the 2019 fee schedule. The amendments incorporate by reference language to adopt the most recent editions of the Relative Values for Physicians and the Relative Values for Dentists fee schedules.

**What Just Happened:** The Department published final rules. The effective date of the rules is 9/6/2019.

**Links:**

- [Notice of Final Rules](#)
- [Notice of Proposed Rules](#)
- [Department of Workforce Services](#)