

# Compliance and Regulations Newsletter

**Demetria Woodson**

*Manager of Compliance and Regulations, EK Health*

## CALIFORNIA

### ***Division Updates Pathology & Laboratory and DMEPOS Sections of OMFS***

The California Division of Workers' Compensation updated the pathology and clinical laboratory section of the Official Medical Fee Schedule, incorporating changes from the Medicare 2017 Clinical Laboratory Fee Schedule and the Calendar Year 2017 Clinical Laboratory Fee Schedule Final Determinations documents.

The maximum reasonable fee for pathology and laboratory services shall not exceed 120% of the reimbursement set by Medicare for services rendered on or after January 1<sup>st</sup>. The update includes changes to codes and rules relating to drug testing.

The Division also updated the durable medical equipment, prosthetics, orthotics, and supplies section of the Official Medical Fee Schedule to incorporate changes made by Medicare's first quarter changes to the DMEPOS section of the fee schedule.

For services rendered on or after Jan. 1, the maximum reasonable fee for durable medical equipment, prosthetics, orthotics and supplies shall not exceed 120% of the reimbursement set by Medicare on Dec. 5<sup>th</sup>.

[Source 1](#)

[Source 2](#)

## MONTANA

### ***House to Consider Bill for Worker-Chosen Comp Doctors***

The Montana Legislature will consider House Bill 229, sponsored by Andrea Olsen, would allow injured workers to choose their own treating physician beyond initial treatment.

Currently, injured workers may select the treating physician for initial treatment, and the employer or insurer designates a treating physician or approves the worker's choice of the treating physician. The bill will also allow the treating physician to be changed at any time with the consent of the worker and the insurer.

The bill was first introduced in the House on January 11<sup>th</sup> and is currently in hearing with the Business and Labor Committee as of January 27<sup>th</sup>.

[Source 1](#)

[Source 2](#)

## NORTH DAKOTA

### ***Medical Marijuana Is Legal, But Not Covered under Workplace Safety and Insurance***

Voters legalize medical marijuana in November; however, injured workers in North Dakota will not have coverage for it after the passing of House Bill 1156.

House Bill 1156, introduced by Rep. George Keiser and Sen. Jerry Klein, prohibits payment for medical marijuana and prohibits wage loss payments if there are in related to the use of medical marijuana.

According to a fiscal note attached to HB1156, "legalization of medical marijuana introduces new workplace and insurance challenges. Even though a number of states have legalized medical marijuana, at this time marijuana is still illegal under federal law. As a result, courts in states where legalization has occurred are increasingly dealing with contested cases of marijuana in the workplace. Thus, at a minimum, it is expected that WSI will incur increased litigation expenses as a result of the recently passed medical marijuana measure."

The note went on to state no actuarial studies relating to the legalization of medical marijuana and workers' compensation coverage were found, but that if the bill were not enacted or if the bill were overturned by the courts, "it is expected that numerous employees will qualify" for the use of medical marijuana.

[Source 1](#)

[Source 2](#)

## VIRGINIA

### ***Commission Posts Updated Timeline for Release of Fee Schedules***

The Virginia Workers' Compensation Commission has released a Medical Fee Schedule Project Update indicating its timeline for release of its mandated workers' compensation medical fee schedules.

The fee schedules are still scheduled for a January 1, 2018 release date as required by House Bill 378.

The Medical Fee Schedule Regulatory Advisory Panel and Oliver Wyman, the consulting firm on the fee schedules project, will meet throughout the next three months to work on implementation and maintenance requirements.

The Medical Fee Schedule Regulatory Advisory Panel met with Oliver Wyman on January 4<sup>th</sup> to review the final draft of its fee schedules and approve the release to stakeholders who will test, analyze, and provide feedback on the final draft from Jan. 19<sup>th</sup>- 31<sup>th</sup>.

From Feb. 1 to March 8, Oliver Wyman will review the stakeholder's findings and develop proposed revisions. Oliver Wyman will meet with the panel and Commission on March 9<sup>th</sup> to review the proposed revisions and will meet again on March 23<sup>rd</sup> to review the final fee schedules and discuss implementation requirements.

The Commission is scheduled to review the final fee schedules for approval on April 4<sup>th</sup>. Public hearings on the final fee schedule will be held in 2017 on a date to be determined.

[Source](#)