

PUBLIC NOTICE OF PROPOSED CHANGES TO THE RULES, REGULATIONS AND FEE SCHEDULE OF THE WYOMING WORKERS' COMPENSATION DIVISION

PUBLIC NOTICE IS HEREBY GIVEN that the Wyoming Workers' Compensation Division proposes changes that will affect the Division's rules, regulations and fee schedule. These proposals include modifications to the *Wyoming Workers' Compensation Rules, Regulations and Fee Schedules*;

Wyoming Workers' Compensation Chapter 9 – Fee Schedules rules were last updated on 9/6/19. The Division updates the fee schedules and the rules each year to adopt the most recent codes published by the American Medical Association (AMA) and Optum 360. Fee schedules are a cost containment strategy as well as ensuring our injured workers can obtain quality health care and our health care providers are reimbursed at a fair rate.

The Division is proposing to adopt the 2019 fee schedule, effective 1/1/19. Section 1 – General Guidelines and Section 2 – Fee Schedules – includes incorporation by reference language to adopt the most recent editions of the Relative Values for Physicians and the Relative Values for Dentists fee schedules.

Specific changes include:

1. Adding the Centers for Medicare and Medicaid Services (CMS) as one of the medical resources and publications to aid in adjudicating bills. (Section 1(c))
2. Changed the physical address of DWS. (Section 2(a)(ii))
3. Added in National Correct Coding Initiative/Medicare Unlikely Edits (NCCI)/MUE) as adopted by DWS effective January 1, 2020. (Section 2 (b)(ii))
4. Added “Professional Fees” to Section 2 (c)
5. Updated Anesthesia conversion factor from \$51.12 to \$51.06 (Section 2(c))
6. Changed Surgery to Surgeon in Section 2(c).
7. Section 2(d) renamed from Fees for Surgery to Modifiers for Anesthesia and Surgical Assistants. (i) adds information on Surgical Assistants – MD assistants will be paid at 20% of the surgical allowance while Non-MD assistants will be paid at 15%.
8. Section 2(d)(ii) adds specific modifiers for Anesthesia and allowed payments for Anesthesiologist, Anesthetist and Certified Registered Nurse Anesthetist.
9. Section 2(e) – adds the requirement of documentation on the written report and the CMS-1500 claim form for total time spent on review of the records, actual examination time and writing of the report.
10. Section 2(e)(i)(A) clarifies what code should be used for Independent Medical Evaluations and Impairment Ratings. The Payment Allowances were updated from \$500 to \$750 for the first hour and from \$62.50 to \$93.75 for each additional 15 minutes.

11. Section 2(e)(ii) – Updates the Payment fees for Medical Testimony and Deposition Charges from \$500 to \$750 for the first hour and from \$62.50 to \$65.00 for each additional 15 minutes.

12. Section 4 – Fees for Supplies, Implants, Durable Medical Equipment (DME) Orthotics and Prosthetics – Updated (a) to adopt the Wyoming Medicare rate plus 30% of the Healthcare Common Procedure Coding System (HCPCS) and the published date from January 1, 2015 to January 1, 2020.

13. Section 4(a)(iii) – updated DWS physical address.

14. Section 4(b)(i) – updated the effective date from January 1, 2015 to January 1, 2020 and added a website for the Wyoming Medicare rate for HCPCS.

15. Section 6 – Fees for Pharmacy Items – added (i) to (c) – to refer to the nutritional supplements section in Chapter 10, Section 18 for additional information.

16. Section 8 – Fees for Ambulance Services - added: (a) to contact the Division for additional information regarding Air Ambulance codes and reimbursement. (b) states the Division adopts CMS Medicare rates plus 10% and added the website. (c) in the table of Codes, Short Descriptors and the Maximum Allowable.

The Division added to the header Maximum Allowable “Medicare plus 10%”. Codes A0430 – Air, Fixed Wing; A0431 – Air, Rotary Wing; A0435 – Mileage, Air, Fixed Wing and A0436 – Mileage, Air, Rotary Wing were deleted.

All remaining codes had adjusts for the maximum allowable. A0425 – Ground Mileage - changed to \$8.45 per statute mile from \$9.18; A0426 – Advance Life Support 1 – Non-emergent changed to \$387.60 from \$342.93; A0427 – Advance Life Support 1 – Emergent – changed to \$613.69 from \$542.98; A0428 – Basic Life Support, Non-emergent – changed to \$322.99 from \$285.78; A0429 – Basic Life Support, Emergent – changed to \$516.79 from \$457.25; A0433 – Advance Life Support 2 – change to \$888.24 from \$785.90; and A0434 – Specialty Care Transport – changed to \$1,049.74 from \$928.79.

17. Section 9 – Facility Fees - was deleted and rewritten. Tables A (Injection Procedures) and B (Surgical Center Procedures) were deleted.

The new sections include:

(a) Fees for Inpatient Hospital Services – added (i) specific rates for CMS IPPS (Inpatient Prospective Payment System) and Medicare Severity-Diagnosis Related Group (MS-DRG) with a website; (ii) requirements for documentation; (G) supply/implant reimbursement of 130% of invoice if the MS-DRG allows for the device with a website address; billing auditing, and (v) Critical Access Hospitals payment of Tricare Cost-to-Charge Ratio plus 20% increase for the year of service and a website to reference.

(b) Fees for Skilled Nursing Services – this section defines how inpatient skilled nursing services will be paid per diem, what services are included (inclusive); and what services can be billed outside of the per diem rate.

(c) Fees for Inpatient Rehabilitation Services – this section defines the Division will reimburse at 80% of billed charges; how all services need to be documented and audit information.

(d) Fees for Ambulatory Surgery Services – this section includes the Division will reimburse for these services by the Wyoming Medicare Ambulatory Surgery Center (ASC) rates at 130% of the allowed amount, includes a website, what documentation is required and audit information.

(e) Fees for Outpatient Facility Services – this section includes the Division will reimburse for these services by the Wyoming Medicare Ambulatory Payment Classification (APC) at 130% of the allowed amount, includes a website, what documentation is required and audit information.

Minor formatting updates or corrections were completed also.

Written comments should be submitted to the following address by **August 24, 2020**

Wyoming Workers' Compensation Division
ATTN: Administrator
5221 Yellowstone Road
Cheyenne, WY 82002
(307) 777-7672

Or via email to: marcia.price@wyo.gov

A public comment period will end at close of business on **August 24, 2020**.

Copies may be obtained by submitting a written request to the Division, with pre-payment by personal check or money order for the total number of copies requested; the fee for each copy is \$4.00. The proposed rules may be downloaded, free of charge, from the Department of Workforce Services (DWS) at: <http://www.wyomingworkforce.org/news/publicnotices/>