

State of California
Department of Industrial Relations
DIVISION OF WORKERS' COMPENSATION



**Order of the Administrative Director of the
Division of Workers' Compensation
Official Medical Fee Schedule - Physician Services and Non-Physician
Practitioner Services
– Effective for Services Rendered on or after October 14, 2020**

Pursuant to Labor Code section 5307.1, subdivision (g), the Administrative Director of the Division of Workers' Compensation orders that the physician services and non-physician practitioner services fee schedule portion of the Official Medical Fee Schedule contained in title 8, California Code of Regulations, section 9789.19, is adjusted to conform to changes in the Medicare system, effective for services rendered on or after October 14, 2020. These changes are intended to increase the use of telehealth for providing workers' compensation medical treatment during the COVID-19 public health emergency declared by Governor Gavin Newsom on March 4, 2020. ([Proclamation of State of Emergency.](#))

Background and Basis for Order

In order to encourage increased use of telehealth during the public health emergency, the Administrative Director previously adopted the Centers for Medicare and Medicaid Services' (CMS) temporary changes to the Medicare Physician Fee Schedule by adopting the Medicare list of telehealth services. CMS has subsequently modified the telehealth list by expanding it to include 11 additional codes. The Administrative Director has determined that adopting the Medicare Physician Fee Schedule October 14, 2020 expanded telehealth list will support the goal of reducing the spread of the SARS CoV-2 while increasing access to workers' compensation medical treatment provided via telehealth.

Order to Adjust Fee Schedule and Incorporation by Reference

Therefore, in order to further the use of telehealth while supporting the access to workers' compensation medical treatment during the public health emergency, this Order adopts the following changes to the OMFS for Physician Services and Non-Physician Practitioner Services to conform to relevant Medicare changes:

The Medicare excel document "[Covered Telehealth Services for PHE for the COVID-19 pandemic effective March 1, 2020 updated October 14, 2020](#)" is adopted and incorporated by reference into Title 8, California Code of Regulations, section 9789.19, subdivision (g). The 11 newly added codes are effective for services rendered on or after October 14, 2020, while the remainder of the list is unchanged from the previous revision and continues to be retroactive to services rendered on or after March 1, 2020.

Section 9789.19, subdivision (g), is modified as follows (changes shown in double underline):

Telehealth – Services Accessible Through Telehealth (using audio and video telecommunication method and audio only telecommunication method) During the COVID-19 Public Health Emergency	For services on or after March 1, 2020: CMS – <u>“Telehealth Services for PHE for the COVID-19 pandemic effective March 1 2020-updated April 30 2020”</u> File specifies codes that may be billed when service is rendered using audio only telecommunication and codes that may only be billed if service is rendered using a telecommunication method that includes both audio and video. The list is adopted retroactively for services rendered on or after March 1, 2020. In accord with CPT 2020, append modifier 95 to procedure code when delivered via telehealth. <u>For services on or after October 14, 2020:</u> <u>CMS – <u>“Telehealth Services for PHE for the COVID-19 pandemic effective March 1 2020-updated October 14, 2020”</u></u> <u>File specifies codes that may be billed when service is rendered using audio only telecommunication and codes that may only be billed if service is rendered using a telecommunication method that includes both audio and video. The list is adopted retroactively for services rendered on or after March 1, 2020, except that the following codes identified on the excel spreadsheet as “Added 10/14/20” are effective for services rendered on or after October 14, 2020:</u> <u>CPT code 93797</u> <u>CPT code 93798</u> <u>CPT code 93750</u> <u>CPT code 95970</u> <u>CPT code 95971</u> <u>CPT code 95972</u> <u>CPT code 95983</u> <u>CPT code 95984</u> <u>HCPCS code G0422</u> <u>HCPCS code G0423</u> <u>HCPCS code G0424</u>
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	<u>In accord with CPT 2020, append modifier 95 to procedure code when delivered via telehealth.</u>
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This Order and the updated regulation adds 11 new telehealth-eligible codes that are effective for services rendered on or after October 14, 2020 and confirms the retroactive application of the remainder of the codes for services rendered on or after March 1, 2020. The Order and regulations shall be published on the website of the Division of Workers' Compensation on the [physician services and non-physician practitioner services fee schedule](#) webpage.

IT IS SO ORDERED.

Dated: October 20, 2020

/S/ GEORGE P. PARISOTTO
GEORGE P. PARISOTTO
Administrative Director of the
Division of Workers' Compensation