

# **DEPARTMENT OF LABOR AND EMPLOYMENT**

## **Division of Workers' Compensation**

**7 CCR 1101-3**

### **WORKERS' COMPENSATION RULES OF PROCEDURE**

#### **Emergency Rules**

##### **Section 1 – Authority**

This emergency regulation is promulgated and adopted by the Director of the Division of Workers' Compensation pursuant to §8-47-107.

##### **Section 2 – Scope and Purpose**

The purpose of this emergency regulation is to establish the procedures for Workers' Compensation applicable during the state of emergency declared by the Governor due to COVID-19.

The Division finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare as ensuring operation of the workers' compensation system is imperative to preserve the health of the citizens of Colorado. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

As reported cases of COVID-19 increase, they place a significant strain upon medical resources. These emergency rules are being promulgated to increase access to telehealth services in order to assure injured workers maintain access to reasonable and necessary medical care while complying with physical distancing guidelines and mandates.

COVID-19-related actions to promote physical distancing have disrupted workers' ability to receive in-person care for their job-related injuries and illnesses. Continuity of care is essential to monitor the progress of recovery. Treatment delays impede recovery and may increase claims costs. Increasing reimbursement for remote services to levels equivalent to in-person care should promote use of these alternatives to in-office care.

A temporary rule is needed to increase payment for telemedicine services between injured workers and health care providers to promote continued treatment and communication about the progress of recovery, when in-person care services are not possible or are unavailable. The Division has recommended that reimbursement rates for telemedicine services mirror payment rates for equivalent office visits.

##### **Section 3 – Applicability**

While in effect, this emergency rule applies to all entities subject to the Workers' Compensation Rules of Procedure. The emergency procedures specified in this rule supersede the applicable rules of procedure; however, the Workers' Compensation Rules of Procedure remain in full force and effect where not in conflict with this emergency rule.

##### **Section 4 – Telehealth Reimbursement**

Place of service 02 – Telehealth is removed from place of service codes used with the RBRVS facility RVUs.

Maximum allowance is the non-facility RBRVS unit value for the CPT® code times the appropriate conversion factor. A 95 modifier must be appended to the appropriate CPT® code(s). An additional \$5.00 transmission fee is not payable.

### **Section 5 – Telehealth Utilization**

Parties are encouraged to utilize telehealth wherever medically appropriate. Telehealth appointments are specifically allowed for return to work evaluations of essential employees of critical employers as defined in Amended Public Health Order 20-24, when those employees are physically able to do so.

Notwithstanding any other provision of rule, an in-person examination will not be required where either the injured worker or medical provider objects to such an examination.

### **Section 6 – Duration**

This emergency rule shall be in effect until July 22, 2020 unless continued, superseded or rescinded.