

**PUBLIC NOTICE OF PROPOSED CHANGES TO THE RULES, REGULATIONS AND FEE SCHEDULE OF THE WYOMING DEPARTMENT OF WORKFORCE SERVICES (DWS), WORKERS' COMPENSATION DIVISION**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Wyoming Workers' Compensation Division is proposing 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*;

The Wyoming Workers' Compensation Fee Schedule in Chapter 9 has not been updated since October of 2020. Wyoming's Fee Schedule allowable rates are lower than the rates commonly paid by other insurers both state wide and across the region. Because it is difficult to obtain quality health care for injured workers with the current rates, the Division intends to update and increase the rate for medical services with this rule change. Minor changes throughout the chapter include format/language corrections and website updates. The following nine sections were updated with significant changes:

All dates were updated and changed from 2020 to 2021 in the following sections: Section 1(c); Section 2 (a), (b)(i) and (ii); and Section 4(a), (b)(i)

Section 2(b)(ii)(A) – added – “MUE edits under CMS that have a value of 0 (zero) will be overridden and reviewed for medical necessity and relatedness to the injury and treatment”. This updates the Division's policy on bill review.

Section 2(d)(ii)(B) added – “at least one of the following anesthesia modifiers must be submitted on each bill”. The formatting on this list was changed from (B) through (H) to (B) through (I). This was added as a clarification of the requirements when using anesthesia modifiers on a medical bill.

Section 4(a)- added – “The Division will not include quarterly updates for these payments, the payments will remain consistent with the January 1, 2021 published rates”. This is a clarification of the Division's bill paying policy.

Section 8(d)- added – “Please contact the Division's Provider Services unit for information regarding Air Ambulance reimbursement @ 307-777-6441”. This was added to support air ambulance providers when they question the reimbursement for their services. This was due to outcomes of litigation.

Section 9(a)(i)- Updated and changed the Wyoming Base Rate from \$5,801.13 to \$5,961.31 and the MS DRG weight according to the CMS Table 5 from \$7,541.47 to \$7,749.70. The Medicare website link was updated and changed to: <https://www.cms.gov/medicare/acute-inpatient-pps/fu-021-ipps-final-rule-home-page#Data>

Section 9(a)(ii)(G)- struck “if the MS-DRG allows for a device special payment for device intensive procedures” Also removed section 9(a)(ii)(I). This information was deleted due to changes in the MS DRG at the federal level.

Section 9(d)(i)- Updated and changed website link to:  
<https://www.cms.gov/files/document/12220-opps-final-rule-cms-1736-fc.pdf>

Section 9(a)(e)(i)- Updated and changed website link to: <https://public-inspection.federalregister.gov/2020-26819.pdf>

Other changes include clarification on definitions, minor formatting and reduction of rules.

Written comments should be submitted to the following address by 06/28/2021.

Wyoming Workers' Compensation Division  
ATTN: Jacob Bustos  
5221 Yellowstone Road  
Cheyenne, WY 82002  
(307) 777-6747

Or via email to: [jacob.bustos@wyo.gov](mailto:jacob.bustos@wyo.gov)

A public comment period will end at close of business on 06/28/2021.

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/>