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 - Durable Medical Equipment,**

**Prosthetics, Orthotics, Supplies**

**Effective for Services Rendered on or after October 1, 2021**

Pursuant to Labor Code section 5307.1, subdivision (g)(2), the Administrative Director of the Division of Workers’ Compensation orders that the Durable Medical Equipment, Prosthetics, Orthotics, Supplies portion of the Official Medical Fee Schedule contained in title 8, California Code of Regulations, section 9789.60, is adjusted to conform to changes to the Medicare payment system that were adopted by the Centers for Medicare & Medicaid Services (CMS) in the October 2021 Quarter 4 DMEPOS Fee Schedule update.

Medicare Data Source and Incorporation by Reference

Effective for services rendered on or after October 1, 2021**,** the maximum reasonable fees for

Durable Medical Equipment, Prosthetics, Orthotics, Supplies shall not exceed 120% of the applicable California fees set forth in the Medicare calendar year 2021 “Durable Medical Equipment, Prosthetics/Orthotics, and Supplies (DMEPOS) Fee Schedule” revised effective October 1, 2021, contained in the electronic file “[DME21-D (ZIP)](https://www.cms.gov/files/zip/dme21-d.zip)” which is adopted and incorporated by reference as follows:

The [DME21-D (ZIP)](https://www.cms.gov/files/zip/dme21-d.zip) includes the following documents which are incorporated by reference:

DMEPOS\_Oct

Q42021 rural zip code file

Excluding:

Former CBA Fee Schedule File

Former CBA National Mail-Order DTS Fee Schedule File

Former CBA ZIP Code File

CMS has not made fourth quarter updates to the following 2021 fee schedule PDF documents, adopted by Administrative Director Order effective January 1, 2021, which remain effective for services on or after October 1, 2021, except as may be superseded by the 2021 Quarter 4 files:

DMEBACK 2021

DMEREAD 2021

CMS has not amended the DMEPEN file, and the Administrative Director Order dated April 9, 2021, effective April 1, 2021, adopting the DMEPEN\_Apr file within the [DME21-B (ZIP)](https://www.cms.gov/medicaremedicare-fee-service-paymentdmeposfeescheddmepos-fee-schedule/dme21-b) remains in effect for parenteral and enteral nutrition codes within that file; except that the Q4 rural zip code file is adopted for both the DMEPOS file and the PEN file for services on or after October 1, 2021.

The fee schedule data file (DMEPOS\_OCT) sets forth two columns for California labeled: “CA (NR)” [California Non-Rural] and “CA (R)” [California Rural]. For the services on or after October 1, 2021, payment shall not exceed 120% of the fee set forth for the HCPCS code in the CA (NR) column, except the fee shall not exceed 120% of the fee set forth in the CA (R) column if the injured worker’s residence zip code appears on the “Q42021 rural zip code file.” Where column CA (NR) sets forth a fee for a code, but CA (R) for the code is listed as “0.00” the fee shall not exceed 120% of the CA (NR) fee, regardless of whether the injured worker’s address zip code is rural or non-rural.

The [CMS Manual System, Pub 100-4 Medicare Claims Processing, Transmittal 11005, Change Request 12453](https://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/Transmittals/r11005cp), September 17, 2021 sets forth the CMS October Quarterly Update for 2021 and is relied upon in adopting this update Order.

The Medicare October 2021 DMEPOS Fee Schedule Information is available on the Centers for Medicare & Medicaid Services’ [DMEPOS Fee Schedule webpage](https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/DMEPOSFeeSched/DMEPOS-Fee-Schedule.html).

This Order shall be published on the website of the Division of Workers’ Compensation [DMEPOS fee schedule webpage](http://www.dir.ca.gov/dwc/OMFS9904.htm#3).

**IT IS SO ORDERED.**

Dated: September 24, 2021 /S/ GEORGE P. PARISOTTO\_\_\_\_\_\_\_

GEORGE P. PARISOTTO

Administrative Director of the

Division of Workers’ Compensation