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 and Non-Physician Practitioner Services**

**Effective for Services Rendered on or after January 1, 2022**

Pursuant to Labor Code section 5307.1(g)(1),(2), the Administrative Director of the Division of Workers’ Compensation orders that Title 8, California Code of Regulations, sections 9789.19 and 9789.19.1, pertaining to the Physician and Non-Physician Practitioner Services Fee Schedule portion of the Official Medical Fee Schedule, are adjusted to conform to relevant changes in the Medicare Physician Fee Schedule CY 2022 final rule, published in the Federal Register (86 Fed. Reg. 64996) on November 19, 2021, and in light of the relevant change made by the Protecting Medicare and American Farmers from the Sequester Cuts Act, Public Law 117-71, enacted December 10, 2021.

The Medicare Physician Fee Schedule CY 2022 Final Rule is entitled: “Medicare Program; CY 2022 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Provider Enrollment Regulation Updates; and Provider and Supplier Prepayment and Post-Payment Medical Review Requirements” [CMS–1751–F.]

For the CY 2021, the [Consolidated Appropriations Act, 2021](https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf), adopted a 3.75% increase for CY 2021 only. In light of the expiration of this provision, Congress included a 3% increase for the Medicare Physician Fee Schedule in the [Protecting Medicare and American Farmers from the Sequester Cuts Act](https://www.congress.gov/bill/117th-congress/senate-bill/610/text), Public Law 117-71 for CY 2022. This Order adopts the Protecting Medicare Act 3% increase, and relevant changes made by the CY 2022 Physician Fee Schedule Final Rule, effective for services rendered on or after January 1, 2022.

Title 8, California Code of Regulations Section 9789.19 is amended to add a new subdivision (i) to the “Update Table” to adopt relevant changes contained in the CMS’ CY 2022 Medicare Physician Fee Schedule final rule, and to adopt the 3% increase set forth in the Protecting Medicare and American Farmers from the Sequester Cuts Act for CY 2022. The additions to title 8, California Code of Regulations, section 9789.19 (shown in double underline) are adopted by this Order as shown in the attached text of regulations effective for services rendered on or after January 1, 2022.

Title 8, California Code of Regulations, section 9789.19.1 is updated to adopt and incorporate by reference a new Table A entitled “9789.19.1\_Table\_A\_2022”. The new Table A adopts the adjusted anesthesia conversion factors by GPCI locality and anesthesia shares for services on or after January 1, 2022. The update includes relevant Medicare revisions based upon the CY 2022 Medicare Physician Fee Schedule Final Rule, CMS-1751-F, and the Protecting Medicare and American Farmers from the Sequester Cuts Act.

An explanation of the changes is attached and incorporated into this Order. The revised regulations are effective for physician services and non-physician practitioner services rendered on or after January 1, 2022. This Order, the explanation of changes, the regulations, the Table A incorporated into section 9789.19.1, and the Medically Unlikely Edits file excerpt shall be published on the Division of Workers’ Compensation’s [Physician and Non-Physician Services Fee Schedule web page](https://www.dir.ca.gov/dwc/OMFS9904.htm#7).

**IT IS SO ORDERED.**

Dated: December 23, 2021 /S/ GEORGE P. PARISOTTO

GEORGE P. PARISOTTO

Administrative Director of the

Division of Workers’ Compensation