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 February 15, 2023**

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 9789.12.11, 9789.12.12, 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 2023 final rule, published in the Federal Register (87 Fed. Reg. 69404) on November 18, 2022, and in light of the relevant change to the Medicare Physician Fee Schedule made by the Consolidated Appropriations Act, 2023.

The Medicare Physician Fee Schedule CY 2023 Final Rule is entitled: “Medicare and Medicaid Programs; CY 2023 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment and Coverage Policies; Medicare Shared Savings Program Requirements; Implementing Requirements for Manufacturers of Certain Single-dose Container or Single-use Package Drugs To Provide Refunds With Respect to Discarded Amounts; and COVID–19 Interim Final Rules” [CMS–1770–F.] Subsequent to publication of the Final Rule, the [Consolidated Appropriations Act, 2023 (HR 2617)](https://www.congress.gov/bill/117th-congress/house-bill/2617/text) Public Law 117-328 was enacted on December 29, 2022, which included a 2.5% increase in the Medicare CY 2023 Physician Fee Schedule.

The amendments to title 8, California Code of Regulations described below and set forth in the attached text of regulations are adopted by this Order and are effective for services rendered on or after February 15, 2023 (green text with double underline for additions, single underline for hyperlinks.)

Section 9789.12.11. Evaluation and Management: Coding – New Patient; Established Patient; Documentation.

Subdivision (c) is amended to adopt the CMS revised definition for HCPCS code G2212 (prolonged office/outpatient evaluation and management services) and to provide the effective dates for the original code descriptor and the revised code descriptor. Subdivision (c)(2) specifies that the original code G2212 is effective for dates of service on or after March 1, 2021, and prior to February 15, 2023. A new subdivision (c)(3) is adopted to set forth a revised HCPCS code G2212 definition effective for services on or after February 15, 2023.

Section 9789.12.12. Consultation Services Coding - Use of Visit Codes.

Subdivision (a)(1) is revised in light of the Medicare Physician Fee Schedule adoption of the revised CPT coding for hospital evaluation and management codes. Instead of separate “inpatient” codes and “observation” codes, CPT revised and reorganized the codes to consolidate “initial hospital inpatient or observation services,” and “subsequent hospital inpatient or observation services.”

Section 9789.19 is amended to add a new subdivision (j) to the “Update Table” to adopt relevant changes contained in the CMS’ CY 2023 Medicare Physician Fee Schedule final rule, and to adopt the 2.5% increase set forth in the Consolidated Appropriations Act, 2023.

Section 9789.19.1 is updated to adopt and incorporate by reference a new Table A entitled “Section 9789.19.1 Table A effective 2.15.2023”. The new Table A adopts the adjusted anesthesia conversion factors by GPCI locality and anesthesia shares for services on or after February 15, 2023. The update includes relevant Medicare revisions based upon the CY 2023 Medicare Physician Fee Schedule Final Rule, CMS-1770-F, and the Consolidated Appropriations Act, 2023.

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 February 15, 2023. 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: January 30, 2023 /S/ GEORGE P. PARISOTTO

GEORGE P. PARISOTTO

Administrative Director of the

Division of Workers’ Compensation