**State of California**

**Department of Industrial Relations**

**DIVISION OF WORKERS’ COMPENSATION**



**Order of the Administrative Director of the**

**Division of Workers’ Compensation**

OMFS Update for Hospital Outpatient Departments and

Ambulatory Surgical Services

Effective March 1, 2023

Pursuant to Labor Code section 5307.1(g)(2), the Administrative Director of the Division of Workers’ Compensation orders that Title 8, California Code of Regulations, sections 9789.30 through 9789.39, pertaining to Hospital Outpatient Departments and Ambulatory Surgical Centers Fee Schedule in the Official Medical Fee Schedule, are adjusted to conform to CMS’ hospital outpatient prospective payment system (HOPPS) final rule of November 23, 2022; and the wage index values in CMS’ hospital inpatient prospective payment system (IPPS) final rule of August 10, 2022, correcting amendment of November 4, 2022, and correction notice of December 13, 2022, to the IPPS final rule; and certain codes used, in part, to define surgical codes, in CMS’ Ambulatory Surgical Center Payment (ASC) Systems final rule of November 23, 2022.

For services rendered on or after March 1, 2023, section 9789.30, subdivisions (a) adjusted conversion factor, (f) APC payment rate, (g) APC relative weight, (s) labor-related share, (t) market basket inflation factor, and (aa) wage index, are adjusted to conform to the CMS’ HOPPS CY 2023 final rule and the wage index values in the CMS’ IPPS FY 2022 final rule, correcting amendment, and correction notice to the IPPS final rule. The adjustments to these subdivisions are specified in section 9789.39 by date of service.

For services rendered on or after March 1, 2023, section 9789.31, subdivisions (a), (b), (c), (e), (f), and (g) are amended to incorporate by reference selected addenda, certain parts of selected addenda, tables, payment rules, and data files of the updated calendar year 2023 version of CMS’ HOPPS and ASC and the updated fiscal year 2022 version of CMS’ IPPS. The adjustments to these subdivisions are specified in section 9789.39 by date of service. Subdivision (h) is adjusted to incorporate by reference the 2023 revision of the American Medical Association’s Physician “Current Procedural Terminology;” and subdivision (i) is adjusted to incorporate by reference the 2023 revision of CMS’ Alphanumeric “Healthcare Common Procedure Coding System.”

Section 9789.32 is adjusted to conform to updated surgical procedures payable under CMS’ CY 2023 HOPPS.

Section 9789.33 is adjusted to conform to CMS’ CY 2023 HOPPS final rule. For services rendered on or after March 1, 2023, see Section 9789.39 for the APC relative weight and APC payment rate by date of service.

Amended section 9789.34 reflects the changes to the wage index value by county and an updated conversion factor. Amended section 9789.35 reflects the changes to the hospital-specific wage index and an updated conversion factor for the listed California Hospital Outpatient Departments. An explanation of the changes is attached.

Subdivision (a) of section 9789.39 specifies the sections of 42 C.F.R. part 419 that are added or amended and incorporated by reference by date of service. Subdivision (b) of section 9789.39 is amended to conform to the CMS’ CY 2023 update to the HOPPS; wage index values published in the CMS’ FY 2022 update to the IPPS; and certain codes used, in part, to define surgical codes, in CMS’ CY 2023 update to the ASC payment system.

The effective date of the new rates is for visits and procedures described in section 9789.32 rendered on or after March 1, 2023. This Order, sections 9789.30 through 9789.39, and the explanation of the changes shall be published on the website of the Division of Workers’ Compensation on the [Hospital Outpatient Departments and Ambulatory Surgical Centers Fee schedule](https://www.dir.ca.gov/dwc/OMFS9904.htm#6) webpage.

**IT IS SO ORDERED.**

Dated: February 1, 2023 /S/ GEORGE P. PARISOTTO\_\_\_\_\_\_\_

GEORGE P. PARISOTTO

Administrative Director of the

Division of Workers’ Compensation