

Texas Department of Insurance, Division of Worker's Compensation

COVID-19: SUSPENSION OF TEXAS GOVERNMENT CODE SECTIONS 607.002(1) AND (2)

On March 13, 2020, Governor Greg Abbott declared COVID-19 a statewide public health disaster. The Division of Workers' Compensation (DWC) is monitoring the latest developments on COVID-19 and the recommended social distancing measures.

DWC shares the following information that may be of interest to governmental entities. In order to ensure that public safety employees of governmental entities are able to be reimbursed by their employer for reasonable medical expenses related to COVID-19, Governor Abbott has suspended Texas Government Code Sections 607.002(1) and (2) to the extent necessary to allow public safety employees, who were likely to have been exposed to COVID-19 while in the course of their employment, to be entitled to the reimbursements set forth in Section 607.002 of the Government Code.

This suspension is in effect until terminated by the Office of the Governor or until the March 13, 2020, disaster declaration is lifted or expires.

COVID-19: CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS) ISSUES GUIDANCE ON TELEMEDICINE AND TELEHEALTH

The Division of Workers' Compensation (DWC) is monitoring the latest developments on COVID-19.

CMS has issued a new list of telemedicine and telehealth services that can be reimbursed through Medicare during the federally-declared Public Health Emergency for COVID-19. New service codes primarily include Evaluation and Management, as well as Physical Medicine and Rehabilitation.

Labor Code Section 413.011 requires DWC to adopt the most current reimbursement methodologies, models, and values or weights that CMS uses, including payment policies. In addition, 28 Texas Administrative Code Section 133.30 requires health care providers to bill for telemedicine and telehealth services according to applicable Medicare payment policies.

Health care providers can be reimbursed for the newly listed services rendered on or after March 31, 2020. The complete list of covered telemedicine and telehealth service codes is available on the [DWC telemedicine webpage](#).

Please note: CMS has not made changes to allow physical therapists, occupational therapists, and speech-language pathologists to provide services through telemedicine or telehealth.

As a reminder, the ability to provide telemedicine or telehealth services in the Texas workers' compensation system depends on several factors. Services must be consistent with the following:

- health care provider's scope of practice and licensing requirements;
- rules of the health care provider's licensing board; standard of care requirements; and
- DWC rules related to telemedicine and telehealth.

NEW CLAIMS REPORTING CODES FOR COVID-19

DWC encourages workers' compensation insurance carriers to begin using the new International Association of Industrial Accident Boards and Commissions codes for electronic data interchange (EDI) claims reports: "cause of injury" code 83 – Pandemic and "nature of injury" code 83 – COVID-19 on April 1, 2020. The codes should be used for COVID-19 injuries occurring on or after December 1, 2019. DWC has updated its claims EDI collection systems to accept these new code values. Insurance carriers should contact their trading partners to discuss reporting these new codes.

For questions, contact Martha Luevano at 512-804-4858 or martha.luevano@tdi.texas.gov.

We are all working in a continually changing environment. We will provide frequent updates with new information when necessary.

[DWC CoVid-19 Resource page](#)