Assessment of Public Comment

During the public comment period, the Board received one written comment.

The comment requested that the text of the regulation be changed to state that reimbursement at the fee schedule rate is allowable only when the COVID-19 test is positive, because health insurance should pay for negative tests. The Board believes that this change is unnecessary because the text of the regulation allows testing for COVID-19 consistent with the Workers’ Compensation Law for a suspected work-place exposure; the text provides payment for testing to confirm a current COVID infection. The only allowance for payment for testing if there is no current COVID infection is to comply with Department of Health requirements that include testing as part of pre-operative protocol prior to treatment in connection with a workers’ compensation claim.