

"39-71-704. Payment of medical, hospital, and related services -- fee schedules and hospital rates -- fee limitation.

(1) and (2) remain the same.

(3) ~~(a)~~ The department shall establish by rule evidence-based utilization and treatment guidelines for primary and secondary medical services. There is a rebuttable presumption that the adopted utilization and treatment guidelines establish compensable medical treatment for an injured worker.

(a) The department may adopt a drug formulary as part of its utilization and treatment guidelines.

(i) The department is authorized to annually adopt by rule a [**generally accepted** or **widely accepted**] commercial drug formulary as part of its utilization and treatment guidelines.

(ii) If the department adopts a commercial drug formulary, the formulary automatically includes all of the changes and updates furnished by the commercial vendor that are made during the year, notwithstanding the provisions of 2-4-307.

(iii) If the department adopts a drug formulary, the department shall, by rule, provide for an appropriate transition of treatment, where the treatment began prior to the adoption of a drug formulary, to treatment that is consistent with the application of the formulary.