

Ingber & Weinberg, LLP

CLIENT BULLETIN

MEDICAL-LEGAL FEE SCHEDULE

04/01/2021

I wish this were an April's Fools missive. However, the DWC has finally promulgated the long-anticipated new Medical Legal Fee Schedule, taking effect 04/01/2021. You have likely had some training or education on these new regulations, so I will forego a lengthy and detailed outline, favoring instead my highlighting of a few areas of concern:

RV INCREASES BY 30%	From \$12.50 to \$16.25 The RV units also increase so the overall increases are twofold	9795(b)
MISSED APPOINTMENTS [\$503.75]	<ul style="list-style-type: none">Employee late more than 30 minutes and QME unable to continue appointment.Employee does not show up for appointment.Interpreter does not show up for appointment.Cancellation of appointment within 6 business daysPhysician can get paid for record review if done within 30 days @ \$3.00 per page after 200 pages	9795(c) Claims Administrator can petition for credit against award, if missed appointment caused by fault or neglect of injured worker
RECORD REVIEW: NEW DECLARATION REQUIRED BY PROVIDER OF DOCUMENTS	<ul style="list-style-type: none"><i>This one is simply ridiculous. It imposes a new duty upon the "provider of the documents" which is not defined.</i>The provider of the documents is now required to prepare and serve a Declaration that (a) there has been compliance with Lab C 4062.3, which is the 20-	9793(n) Documents include medical records, legal transcripts, and test results, amongst others. Declaration to be sent to the PQME before the documents are sent. Failure to send the Declaration means the physician may not bill for the review of records

	<p>day rule etc., and (b) Must contain an attestation as to the total page count.</p>	<p>and the records are not considered available to the physician or received by the physician.</p> <p>Where is the remedy?</p> <p>Going to the WCAB for relief?</p> <p>Having to cancel the QME examination and incurring delay and the potential cancelation charges?</p>
<p>INITIAL COMPREHENSIVE MEDICAL-LEGAL EVALUATION [\$2015]</p>	<p>The new fee includes the first 200 pages of records. To illustrate, say we have 1,500 pages of records. This would result in the following fee:</p> <p>\$2015.00 1300 pages @ \$3.00 = \$3900 Total Fee: \$5,915.00</p>	<p>9795[c]</p> <p><i>Comment: I think the inclusion of the first 200 pages followed by \$3.00 per page looks like a potential cost saving but I think it may be an up-driven expense or at best a "wash." Under the old Fee Schedule, the PQME would bill at ML 104 and a record review over 2 hours would be only one of the complexity factors. Under the old schedule record review was part of the overall fee, not charged separately.</i></p>
<p>MEDICAL-LEGAL TESTIMONY [\$455 per hour] [RV 5 to 7] A jump of 82%</p>	<p>The old fee was \$250.00 per hour [RV 5 @ \$12.50 = \$62.50 per quarter hour]</p> <p>New fee is \$455.00 per hour [RV 7 @ \$16.25) = \$113.75 per quarter hour]</p>	<p>The minimum goes from 1 hour to 2 hours.</p> <p><i>The fees are increased by more than 82% as the minimum hours has doubled:</i></p> <p><i>Old minimum fee: \$250.00</i></p> <p><i>New minimum fee: \$910.00</i></p> <p><i>Comment: The minimum fee is based upon 2 hours. This does not mean more deposition time. It means more fee. Also, these fees may not pertain to the testimony of a PTP or other treating physician</i></p>

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