

Compliance and Regulations Newsletter

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NEW YORK

NY Workers' Compensation Board Proposes Fee Schedule Increase

The New York State Workers' Compensation Board has proposed an increase to provider fees. The current medical fee schedule has been relatively unchanged since 1996 and remains an obstacle to retaining existing providers and attracting new providers. The proposed change includes an overall 5% increase for all provider types and additional increases for specific provider types with a shortage authorized to treat injured workers. The updated fees will ensure providers are reimbursed reasonable fees for quality care for injured workers.

Fees in the NY fee schedule are low in comparison to other states. Many support the proposed increase as a method of improving access to quality medical care for injured workers.

Updated CPT codes, increased conversion factors, and amended Ground Rules are included in the proposed fee schedule. The Notice of Proposed Rule Making was published in the June 6, 2018, edition of the State Register. Comments on the proposed rule will be accepted for 60 days after the publication date and can be submitted to regulations@wcb.ny.gov.

If adopted, the increase will be effective for dates of service on and after October 1, 2018.

A hard copy of the fee schedule will be available for purchase for \$100.00 or in electronic format for \$400.00. The \$100.00 cost is a moderate increase over the \$85.00 cost of the current hard copy fee schedule. There is no change in the cost of the electronic version.

[Source 1](#), [Source 2](#)

TENNESSEE

Electronic Bill Submission Rules Go into Effect

Effective July 1, 2018, Tennessee Rules Chapter 0800-02-26 required health care providers to submit medical bills electronically to insurance carriers or their agents and for insurance carriers or their agents to accept these electronic bills.

Providers with 10 or fewer employees or providers submitting fewer than 120 bills for workers' compensation medical treatment in the previous calendar year are exempted from this requirement. Insurance carriers will be exempt if they processed fewer than 250 bills for workers' compensation treatment in the previous calendar year. If compliance to this rule will result in an unreasonable financial burden, a health care provider or insurance carrier may be exempted from the electronic billing requirements.

A duplicate electronic medical bill should not be submitted by a health care provider earlier than 60 calendar days from the date of the original submission if a payer has acknowledged acceptance of the original complete electronic medical bill. A health care provider may not submit a duplicate medical bill earlier than 30 calendar days from the date of the original submission unless the payer has rejected the medical bill as incomplete.

When the payer requires documentation for an electronically submitted medical bill, the health care provider must submit the documentation within seven business days of receiving the payer's request.

Payment of all uncontested portions of a complete medical bill must be made to the provider within 15 calendar days of receipt of the original bill or receipt of additional information requested by the payer. Payments made after this 15 calendar day period will accrue interest 2.08% per month after the due date. Interest payments must be made at the same time as the medical bill payment. Any electronically submitted bill determined to be complete and not paid within 15 calendar days or objected to within 15 business days will be subject to penalties of no less than \$50.00 and no more than \$5,000.00.

The Tennessee Bureau of Workers' Compensation may impose a civil monetary penalty if it is determined that a payer failed to comply with the electronic claims acceptance and response process. The penalty will be up to \$500.00 for each violation not to exceed \$5,000.00 for identical violations during a calendar year.

An Electronic Billing and Payment Companion Guide was created detailing the requirements of the rule.

[Source 1](#), [Source 2](#)

VIRGINIA

Proposed Regulation for Electronic Bill Submission

Chapter 621 of the 2015 Acts of the Assembly mandates the Virginia Workers' Compensation Commission to establish regulations for electronic submission of workers' compensation medical bills, supporting documentation, claims, case management, and health records. The Commission has published draft

regulations mandating providers to submit bills electronically with certain exceptions for small and low-volume providers. If adopted, the rule would apply to bills with dates of service on or after December 31, 2018.

The proposed regulations are consistent with the International Association of Industrial Accident Boards and Commission (IAIABC) Medical Billing and Payment guidelines. Based on IAIABC guidelines, medical providers with 10 or fewer full-time employees and treatment of injured workers billed under workers' compensation makes up less than 10% of their practice will be exempt from the proposed requirements.

The new regulation addresses the following:

- Information to be submitted electronically, including bills, medical reports, medical records, identification of the employee and medical providers, dates of service, and other specified data.
- Requirements for paper medical bills for small medical providers who are exempt from e-billing requirements.
- Obligations of employers, insurance carriers, and agents when medical bills are received from medical providers, including the bill received date, the payer's discretion to accept or reject bills, and the payer's ability to request additional information.
- Payers must acknowledge receipt of an electronic medical bill within two business days of receipt of the electronic submission.
- Statement that payment of all uncontested portions of a complete medical bill shall be made within 60 calendar days. Bills not paid within the 60 calendar day period must automatically include interest at the judgement rate of interest provided in § 6.2-302 of the Code of Virginia. The current rate is 6%.

The Commission will hold a public hearing on the proposed regulation on August 7, 2018. Public comments will be accepted through August 10, 2018. Written comments may be sent by mail to James J. Szablewicz, Chief Deputy Commissioner, Virginia Workers' Compensation Commission, 333 East Franklin Street, Richmond, VA 23219, or by email to james.szablewicz@workcomp.virginia.gov.

[Source 1](#), [Source 2](#)