



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services
Workers' Compensation Division
350 Winter St. NE
PO Box 14480
Salem, OR 97309-0405
1-800-452-0288, (503) 947-7810
TTY (503) 947-7993
www.wcd.oregon.gov

March 12, 2007

Proposed Changes to Workers' Compensation Rules

The Workers' Compensation Division proposes changes to OAR chapter 436, division 009, Medical Fee and Payment Rules, to adopt updated medical fee billing resources:

- Portions of the Centers for Medicare & Medicaid Services (CMS) 2007 Medicare Resource-Based Relative Value Scale*;
- *American Society of Anesthesiologists (ASA), Relative Value Guide 2007*; and
- *The Physicians' Current Procedural Terminology (CPT® 2007)*, Fourth Edition.

* CMS substantially increased the relative value units for the evaluation/management (E&M) service category. Because many of the services in this category apply to workers' compensation, there is great potential to increase workers' compensation medical costs by \$4.5 million per year (estimated). In order to offset the increase in costs to the system, the director proposes a reduction in the conversion factor for E&M, resulting in an overall neutral effect to the system for the E&M category in workers' compensation. Overall, it is estimated that most health care providers should see no change in reimbursement, depending on the specific services they provide. The Workers' Compensation Division increased the conversion factor for E&M in 2003, and supports the policy reasons that caused CMS to adopt the increases in RVUs. Encouraging face-to-face, early contact with medical providers has merit, as it promotes early intervention, education, and early return to work. The division will continue to review the effectiveness and outcomes of E&M and other service categories.

Additional information about proposed changes and the public hearing are on the enclosed documents.

The division welcomes public comment on proposed changes and has scheduled a public hearing.

When is the hearing: April 23, 2007

What time is the hearing: 9:00 a.m.

Where is the hearing: Labor & Industries Building
350 Winter Street NE, Room 260, Salem, Oregon

How can I make a comment: Come to the hearing and speak, submit written testimony, or both.

If you have questions, or wish to submit written testimony, please contact:

Fred Bruyns, Rules Coordinator
Workers' Compensation Division
350 Winter Street NE (for courier or in-person delivery)
PO Box 14480, Salem, OR 97309-0405
Email - fred.h.bruyns@state.or.us
Phone - (503) 947-7717; Fax - (503) 947-7581

Comment period closes: April 26, 2007

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING

A Statement of Need and Fiscal Impact accompanies this form.

Dept of Consumer and Business Services,
Workers' Compensation Division
Agency and Division

OAR CHAPTER 436
Administrative Rules Chapter Number

Fred Bruyns
Rules Coordinator

PO Box 14480, Salem, OR 97309-0405;
350 Winter Street NE, Rm 27, Salem, OR 97301-3879
Address

(503) 947- 7717
Fax (503) 947-7581
Telephone

RULE CAPTION

Proposed amendment of rules affecting medical fees and payment for the treatment of injured workers.

Hearing date	Time	Location	Hearings Officer
April 23, 2007	9:00 a.m.*	Room 260 (basement, Labor & Industries Building) 350 Winter Street NE, Salem, Oregon	Fred Bruyns

***NOTE: The hearing will begin at 9:00 a.m. and end when all present who wish to testify have done so. Written testimony will be accepted through April 26, 2007.**

**The site of the hearing is accessible for individuals with mobility impairments.
Auxiliary aids for persons with disabilities are available upon advance request.**

RULEMAKING ACTION

ADOPT:

AMEND: OAR 436-009

REPEAL:

ORS 656.726(4)
Stat. Auth.

Other Authority
Primarily ORS 656.248; Also ORS 656.245, 656.247, 656.252, 656.254, 656.256, 656.704
Stats. Implemented

RULE SUMMARY

The agency proposes to amend OAR chapter 436-009. These proposed rules:

- Adopt by reference updated medical resources (436-009-0004):
 - The columns for “CPT/HCPCS,” “Mod,” “Non-Facility Total,” “Facility Total,” and “Global” in the Centers for Medicare & Medicaid Services (CMS) 2007 Medicare Resource-Based Relative Value Scale (RBRVS) Addendum B and Addendum C, 71 Federal Register No. 231, December 1, 2006, as the basis for the fee schedule for payment of medical service providers except as otherwise provided in these rules, and not including the definitions, status indicators, alpha codes, edits, processes, policies or philosophies of CMS, such as: the National Correct Coding Initiative;
 - *American Society of Anesthesiologists (ASA), Relative Value Guide 2007* as a supplementary fee schedule for payment of anesthesia service providers except as otherwise provided in the rules for anesthesia codes not found in the Federal Register; and
 - *The Physicians’ Current Procedural Terminology (CPT® 2007)*, Fourth Edition Revised, 2006 for billing by medical providers;
- Adopt by reference new medical resources (436-009-0004):
 - The AMA's *CPT® Assistant*, Volume 0, Issue 04 1990 through Volume 16, Issue 12 2006, as a supplement for determining the level of service described by the CPT® manual guidelines;
 - The alphanumeric codes from the CMS Healthcare Common Procedure Coding System (HCPCS) 2007, to be used when billing for services only to identify products, supplies, and services that are not sufficiently described by CPT® codes, and not including edits, processes, exclusions, color-coding and associated instructions, age and sex edits, notes, status indicators, or other CMS policies.

- Provide a dispute resolution process when an insurer believes there is an overpayment to a medical provider (436-009-0008(2));
- Replace existing late-billing payment criteria with a 12-month deadline for billing (with some exceptions), after which payment is no longer due (436-009-0010(5));
- Prescribe a process to be used by insurers and out-of-state hospitals to negotiate fees (436-009-0020(3));
- Specify conditions for reimbursement of workers for meals during required travel (436-009-0025(2));
- Require that insurers inform workers in writing of the two-year time limitation to request reimbursement of travel-related costs (436-009-0025(3));
- Require that insurers provide a written explanation to the medical provider with any medical bills that are rejected, not paid, or not paid as billed (436-009-0030(3));
- Require insurers to use secure file transfer protocol (SFTP) when submitting medical data to the Department of Consumer and Business Services, instead of FTP, diskette, or compact disc (436-009-0030(10));
- Offset the CMS increase in relative value units for the service category "Evaluation/Management" by reducing the Evaluation/Management conversion factor to \$59.79 (436-009-0040(4));
- Clarify that fee reductions for imaging procedures for multiple body areas apply to the technical but not the professional component (436-009-0050(4));
- Provide that a medical provider may not require pre-payment for medical records unless the provider can document that the insurer has previously not paid for records as required by the rules (436-009-0070(1));
- Provide that a medical provider may not require pre-payment for a deposition unless the provider can document that the insurer has previously not paid for depositions as required by the rules (436-009-0070(6));
- Require that providers be compensated for all time spent preparing for a deposition (436-009-0070(6));
- Require that insurers pay providers when depositions are cancelled or rescheduled, on a sliding scale based on how much notice is given to the provider (436-009-0070(6));
- Provide criteria for billing for interpretive services (436-009-0070(8));
- Clarify that a medical arbiter must be paid for any file review completed prior to cancellation of the examination (436-009-0070(9));
- Clarify that if a worker does not attend a director-required medical examination without providing 48 hours notice, the insurer must pay the provider for the appointment time and any time spent reviewing the record prior to the examination time (436-009-0070(9)); and
- Require that if a provider can demonstrate that 85% of the manufacturer's suggested retail price for durable medical equipment is less than 140% of the actual cost to the provider, the insurer must pay the provider 140% of the provider's actual cost for the item as documented on a receipt of sale (436-009-0080(1)).

Request for public comment: The Workers' Compensation Division requests public comment on whether other options should be considered for achieving the rules' substantive goals while reducing the negative economic impact of the rules on business.

Address questions to:

Fred Bruyns, Rules Coordinator; phone 503-947-7717; fax 503-947-7581; e-mail fred.h.bruyns@state.or.us

Proposed rules are available on the Workers' Compensation Division's Web site:

<http://wcd.oregon.gov/policy/rules/rules.html#proprules>

or from WCD Publications, 503-947-7627 or fax 503-947-7630.

April 26, 2007
Last Day for Public Comment

/s/ John L. Shilts
Authorized Signer and Date

3/8/2007

John L. Shilts, Administrator, Workers' Compensation Division
Printed name

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

Distribution: WCD-ID, S, T, U, AT, CE, EG, IA, LU, MC, NM, CI, ME, MR, DC, DO, GR, MD, ND, OT, PY, S0, S1, S4, S7

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services,
Workers' Compensation Division

OAR CHAPTER 436

Agency and Division

Administrative Rules Chapter Number

In the Matter of)
The Amendment of OAR:)
436-009, Oregon Medical Fee and Payment Rules)
)

Rule Caption:

Proposed amendment of rules affecting medical fees and payment for the treatment of injured workers.

Statutory Authority: ORS 656.726(4)

Other Authority:

Statutes Implemented: Primarily ORS 656.248; Also 656.245, 656.247, 656.252, 656.254, 656.256, 656.704

Need for the Rule(s): Rule amendments are needed to carry out the director's duties to publish and update medical fee schedules under ORS 656.248.

Documents Relied Upon, and where they are available: "Issues" document as presented to a stakeholder advisory committee; advisory committee meeting minutes; written advice from advisory committee and other interested parties.

Fiscal and Economic Impact, including Statement of Cost of Compliance: The following is a list of significant estimated fiscal/economic impacts on persons and organizations affected by OAR 436-009:

- Adoption by reference of Centers for Medicare & Medicaid Services (CMS) 2007 Medicare Resource-Based Relative Value Scale, Addendum B and Addendum C, 71 Federal Register No. 231, December 1, 2006, as the fee schedule for payment of medical service providers, except as otherwise provided in the rules.

The CMS Resource-Based Relative Value Scale (RBRVS) is designed to be neutral in terms of overall fees for Medicare patients. However, the agency (DCBS) projects that adoption of the RBRVS for the workers' compensation community would increase overall medical payments that are subject to the RBRVS by approximately 4%. Most of the increase applies to the service category of evaluation/management. Depending upon the service codes used, this could represent potential cost increases for insurers and self-insured employers, and potential increased payments to medical providers. With the current conversion factor for evaluation/management, the agency projects a maximum potential system-wide increase in medical costs of approximately \$4.5 million over 12 months. The agency proposes to offset this potential increase in the fee schedule ceiling by a reduction in the conversion factor for evaluation/management; please see additional fiscal impact description regarding this conversion factor below.

- Adoption (re-adoption) by reference the American Society of Anesthesiologists (ASA), *Relative Value Guide 2007* as a supplementary fee schedule for payment of anesthesia service providers except as otherwise provided in the rules for anesthesia codes not found in the Federal Register.

The agency projects that adoption of the ASA *Relative Value Guide 2007* will have no fiscal impact on any person or business subject to these rules.

- Adoption (re-adoption) by reference of *The Physicians' Current Procedural Terminology (CPT® 2007)*, Fourth Edition Revised, 2006 for billing by medical providers.

The agency projects that adoption of *The Physicians' Current Procedural Terminology (CPT® 2007)*, Fourth Edition Revised, 2006 will have no fiscal impact on any person or business subject to these rules.

- Adoption by reference of the AMA's *CPT® Assistant*, Volume 0, Issue 04 1990 through Volume 16, Issue 12 2006, as a supplement for determining the level of service described by the CPT® manual guidelines.

The CPT® Assistant provides more description for certain CPT® codes than is found in the CPT® manual. This description helps billers and payers determine which codes are appropriate for the services provided. The CPT® Assistant may expedite billing and payment and reduce disputes, to the general benefit of medical service providers, insurers, and self-insured employers. Many of these parties already subscribe to the CPT® Assistant, as it is commonly used in the general health care field. For those billers and payers who do not already subscribe, and who would elect to do so based on adoption of the CPT® Assistant, the fiscal impact would be the subscription rates for the CPT® Assistant:

- 12 months, \$149 for AMA members and \$199 for non AMA members;
 - 24 months, \$205 for AMA members and \$299 for non AMA members;
 - Past issues, \$14.95* for AMA members and \$19.95* for non AMA members; *plus shipping & handling;
 - Archives 1990-2006 (available 2/1/2007), \$240 for AMA members and \$320 for non-AMA members.
- Adoption by reference of the alphanumeric codes from the CMS Healthcare Common Procedure Coding System (HCPCS) 2007, to be used when billing for services only to identify products, supplies, and services that are not sufficiently described by CPT® codes, and not including edits, processes, exclusions, color-coding and associated instructions, age and sex edits, notes, status indicators, or other CMS policies.

Agency projects that adoption of HCPCS coding will have a slightly positive fiscal impact on billers and payers by streamlining bill processing for services insufficiently described by the CPT® codes.

- Provision of a dispute resolution process when an insurer believes there is an overpayment to a medical provider.

The agency projects that this process would have a slightly positive fiscal impact for insurers and self-insured employers, primarily by promoting reimbursement of overpayments. For those medical providers who are ordered to reimburse overpayments, this change would have a slightly negative fiscal impact.

- Replacement of existing late-billing payment criteria with a 12-month deadline for billing (with some exceptions), after which payment is no longer due.

The agency projects that this change will have a small positive fiscal impact for insurers and self-insured employers by creating an absolute cut-off for billing. Under the current rules, insurers can reduce payment by 10% of the balance for each 30-day period that billing is late, and the balance is never reduced to \$0. This change would allow more efficient reserving. The agency projects no significant fiscal impact for medical providers because a one-year billing deadline is a standard in the industry.

- Prescription of a process to be used by insurers and out-of-state hospitals to negotiate fees.

Hospital billing data shows that negotiation of fees is more successful for in-state than for out-of-state hospitals. The agency projects that this rule, by promoting negotiation, would have a positive fiscal impact for Oregon insurers and self-insured employers.

- Specification of conditions for reimbursement of workers for meals during required travel.

The purpose of this rule is to clarify when meals are reimbursable. Because the current rules are not specific about when meals are covered, some meals that are not a “related service cost” are reimbursed; to this extent, the proposed clarification may require some workers to pay for meals that would be paid under current rule wording. The clarification may reduce disputes about when meals are a covered travel expense and therefore expedite claim processing. The agency projects a slightly positive overall fiscal impact.

- Requirement that insurers inform workers in writing of the two-year time limitation to request reimbursement of travel-related costs.

Most insurers and self-insured employers include the two-year limitation in correspondence with the injured worker. The agency projects a small one-time cost for insurers that have yet to include the two-year limitation wording in form letters or other correspondence.

- Requirement that insurers provide a written explanation to the medical provider with any medical bills that are rejected, not paid, or not paid as billed.

Most insurers and self-insured employers already provide sufficient explanation so the provider can correct the billing or send it to the correct insurer. To the extent that insurers and self-insured employers discard bills that are misdirected to them, the billing medical provider may await payment, re-bill, etc., and by the time the bill is sent to the correct carrier, the bill may be rejected because it is late. The agency projects no net cost to insurers and self-insured employers, because adequate explanation will reduce unnecessary re-billing and multiple incorrect billings. We project a positive fiscal impact for medical providers by facilitating accurate and timely billing and payment.

- Require insurers to use secure file transfer protocol (SFTP) when submitting medical data to the Department of Consumer and Business Services, instead of FTP, diskette, or compact disc.

The purpose of this rule is to prevent inappropriate release of confidential claim information, with the potential for identity theft or other criminal activity. This rule would affect about 15 reporters of medical data, and roughly half of these reporters are already using SFTP. Only one reporter currently uses physical media. SFTP is available as a free download or may be purchased for a small fee. The projected fiscal impact for reporters is minor. There is a potential for catastrophic fiscal impact to injured workers and to the agency if less secure transfer methods result in the loss of injured workers' medical data and personal identifiers.

- Reduction of the conversion factor for the service category "Evaluation/Management" (E&M) to \$59.79 to offset the CMS increase in relative value units (RVUs) for this service category.

Potential fiscal impacts of the CMS change to the E&M RVUs are described above under "Adoption by reference of Centers for Medicare & Medicaid Services (CMS) 2007 Medicare Resource-Based Relative Value Scale." The agency supports the policy reasons that caused CMS to adopt the increases. Encouraging face-to-face, early contact with medical providers has merit, as it promotes early intervention, education, early return to work, prevention of complications, etc. With similar objectives, the Workers' Compensation Division increased the conversion factor for E&M in 2003. The division will continue to review the effectiveness and outcomes of E&M and other service categories.

The agency projects that the reduction in the E&M conversion factor will offset the RVU increases, meaning payments in this service category should remain approximately the same. There should not be a general fiscal impact on insurers, self-insured employers, or medical providers, though RVU changes may result in increases or decreases in payments for any given provider, depending on the types of services rendered.

- Maintaining the conversion factors at 2006 levels (including "Evaluation /Management," at 2006 equivalent).

Overall, the agency projects that keeping the conversion factors at 2006 levels will result in reduced net income for some medical providers, because providers' business costs are rising. Between 2005 and 2006, the Physicians' Services Component of the Consumer Price Index increased by 1.28%. Relative to increasing the conversion factors by the 2005-2006 CPI increase, 1.28% is the potential maximum effect on Oregon medical providers as a whole; effects on individual providers may be more or less, depending on the types of services provided. Available medical billing data shows that some medical services are billed at less than the maximum reimbursement allowed under the 2006 conversion factors; to the extent medical providers bill below the conversion factors, holding to the 2006 levels will have no fiscal impact.

- Clarification that fee reductions for imaging procedures for multiple body areas apply to the technical but not the professional component.

The agency projects that this clarification may have a small positive fiscal impact on medical service providers whose professional fees were inappropriately reduced; there would be a corresponding negative fiscal effect on insurers and self-insured employers that have been reducing the professional component fees.

- Provision that a medical provider may not require pre-payment for medical records unless the provider can document that the insurer has previously not paid for records as required by the rules.

The agency projects this change would reduce delays in record delivery and therefore expedite claim processing, producing a small positive fiscal impact for insurers and self-insured employers; we project no net fiscal impact on medical providers.

- Provision that a medical provider may not require pre-payment for a deposition unless the provider can document that the insurer has previously not paid for depositions as required by the rules.

The agency projects this change would reduce delays in obtaining depositions and therefore expedite claim processing, producing a small positive fiscal impact for insurers and self-insured employers; we project no net fiscal impact on medical providers.

- Requirement that providers be compensated for all time spent preparing for a deposition.

The agency projects a positive fiscal impact for medical providers. This change, by ensuring that the provider would be paid for preparation time, should reduce delays in obtaining depositions and therefore expedite claim processing, producing a small positive fiscal impact for insurers and self-insured employers. The benefits to insurers and self-insured employers would be offset, at least in part, by payment of deposition costs that are not paid under current rules when depositions are cancelled.

- Requirement that insurers pay providers when depositions are cancelled or rescheduled, on a sliding scale based on how much notice is given to the provider.

The agency projects that this change would encourage earlier notice to providers of cancelled depositions and positively affect providers who are subject to late cancellations; we project a small increased cost to insurers and self-insured employers who are subject to the late notice fees.

- Provision of criteria for billing for interpretive services.

The agency projects a small negative fiscal impact for medical providers in order to document interpretive services on billing.

- Clarification that a medical arbiter must be paid for any file review completed prior to cancellation of the examination.

The agency projects a positive fiscal impact for medical arbiters that are not paid for preparation time under the current rules; for insurers and self-insured employers there would be a corresponding negative fiscal impact.

- Clarification that if a worker does not attend a director-required medical examination without providing 48 hours notice, the insurer must pay the provider for the appointment time and any time spent reviewing the record prior to the examination time.

The agency projects a positive fiscal impact for medical providers that are not paid for preparation time under the current rules; for insurers and self-insured employers there would be a corresponding negative fiscal impact.

- Requirement that if a provider can demonstrate that 85% of the manufacturer's suggested retail price for durable medical equipment is less than 140% of the actual cost to the provider, the insurer must pay the provider 140% of the provider's actual cost for the item as documented on a receipt of sale.

The intent of this change is to ensure that the provider is adequately paid for durable medical equipment. The agency projects a small positive impact for medical providers and a corresponding negative fiscal impact for insurers and self-insured employers.

- Regarding: Additional proposed changes:

The agency estimates that additional changes will not have a significant economic impact on any persons or businesses, including small businesses.

How were small businesses involved in the development of this rule?

Representatives from small businesses participated in the stakeholder advisory committee. Small businesses affected by these rules are primarily medical providers.

Cost of compliance effect on small businesses:

Estimated number of small businesses subject to the proposed rule:

Based on available data, we estimate there are approximately 12,000 medical providers that are small businesses, as defined in ORS 183.310(10).

Identify the types of businesses and industries with small businesses subject to the proposed rule:

Oregon medical providers.

Describe the projected reporting, record-keeping and other administrative activities required for compliance with the proposed rule, including costs of professional services:

Reporting: Proposed reporting of data related to interpretive services, affecting medical providers who use these services

Record-keeping: The proposed changes do not require increased record-keeping.

Other administrative activities and costs of professional services: Proposed adoption of the CPT® Assistant, and its purchase and use by medical providers.

Extent of economic impact: There is no basis to say that these impacts would be “significantly adverse” (under ORS 183.540), but we invite public testimony on the probable extent of the impact.

Identify equipment, supplies, labor and increased administration required for compliance with the proposed rule:

Equipment: The proposed changes do not require the purchase of equipment to achieve compliance.

Supplies: Proposed adoption of the CPT® Assistant, and its purchase and use by medical providers, would facilitate compliance with best billing practices.

Labor: The proposed changes do not require that small businesses hire additional staff to achieve compliance.

Administration: The proposed changes do not require increased administration to achieve compliance.

Extent of economic impact: There is no basis to say that these impacts would be “significantly adverse” (under ORS 183.540), but we invite public testimony on the probable extent of the impact.

Administrative Rule Advisory Committee consulted:

Yes, the committee met on November 14 and November 20, 2006, and email communication continued after the meeting.

The agency asked the advisory committee for advice on the impact of the discussed changes on costs, including any significant adverse impacts on small businesses.

/s/ John L. Shilts

3/8/2007

Signature and Date

John L. Shilts, Administrator, Workers' Compensation Division

Printed name

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION



Oregon Medical Fee and Payment Rules
Oregon Administrative Rules
Chapter 436, Division 009

Proposed

TABLE OF CONTENTS

Rule		Page
436-009-0001	Authority for Rules	1
436-009-0002	Purpose.....	1
436-009-0003	Applicability of Rules	1
436-009-0004	Adoption of Standards	1
436-009-0005	Definitions.....	2
436-009-0006	Administration of Rules.....	3
436-009-0008	Administrative Review Before the Director	3
436-009-0010	General Requirements for Medical Billings	6
436-009-0015	Limitations on Medical Billings	8
436-009-0020	Hospital Fees.....	10
436-009-0022	Ambulatory Surgical Center Fees.....	13
436-009-0025	Reimbursement of Related Services Costs	14
436-009-0030	Insurer's Duties and Responsibilities	16
436-009-0035	Interim Medical Benefits	19
436-009-0040	Calculating Medical Provider Fees.....	20
436-009-0050	CPT® Sections.....	21
436-009-0060	Oregon Specific Code, Multidisciplinary Services.....	24
436-009-0070	Oregon Specific Code, Other Services	26
436-009-0080	Durable Medical Equipment and Medical Supplies	32
436-009-0090	Pharmacy Fees	33
436-009-0100	Sanctions and Civil Penalties.....	35
Appendix A	436-009-0030.....	36

Revisions are marked as follows:

Deleted text has a "strike-through" style, as in ~~Deleted~~

Added text is bold and underlined, as in **Added**

The Workers' Compensation Division (WCD) adopts, by reference, parts of the *Centers for Medicare & Medicaid Services Medicare Resource-Based Relative Value Scale (RBRVS)*, the *American Society of Anesthesiologists (ASA) Relative Value Guide*, and *Current Procedural Terminology (CPT®)*. See OAR 436-009-0004 for details and updated citations.

- To order the **RBRVS**, contact:
United States Government Bookstore
www.nara.gov
Ask for: 71 Federal Register No. 231, December 1, 2006

This copy of the Federal Register is located at:

www.access.gpo.gov/su_docs/fedreg/a061201c.html

- To order the *ASA Relative Value Guide*, contact:
American Society of Anesthesiologists
520 N. Northwest Highway
Park Ridge, IL 60068-2573
Phone (847) 825-5586
Ask for: 20067 Relative Value Guide
- To order the *CPT® 20067 or the CPT Assistant*, contact:
American Medical Association
515 North State Street
Chicago, IL 60610
Phone (800) 621-8335
- To order the *NUBC UB-9204 Data Specifications Manual*, contact:
National Uniform Billing Committee
American Hospital Association
29th Floor
One North Franklin
Chicago, IL 60606
Phone (312) 422-3390
Ask to: Become a subscriber of the NUBC UB-9204 Specifications Manual
- **To order the Healthcare Common Procedure Coding System, 12/21/2006, contact:**
National Technical Information Service
Springfield, VA 22161
Phone (800) 621- 8335
www.cms.hhs.gov/HCPCSReleaseCodeSets/ANHCPCS/list.asp

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

**EXHIBIT "A"
OREGON ADMINISTRATIVE RULES
CHAPTER 436, DIVISION 009**

436-009-0001 Authority for Rules

These rules are promulgated under the director's general rulemaking authority of ORS 656.726 (4) and specific authority under ORS 656.248.

Stat. Auth.: ORS 656.726(4); Stats. Implemented: ORS 656.248
Hist: Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01

436-009-0002 Purpose

The purpose of these rules is to establish uniform guidelines for administering the payment for medical services to injured workers within the workers' compensation system.

Stat. Auth.: ORS 656.726(4); Stats. Implemented: ORS 656.248
Hist: Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96

436-009-0003 Applicability of Rules

- (1) These rules apply to all services rendered on or after the effective date of these rules.
- (2) Applicable to these rules, the director may, unless otherwise obligated by statute, in the director's discretion waive any procedural rules as justice so requires.

Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.248
Hist: Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
Amended 4/3/98 as Admin. Order 98-052, eff. 7/1/98
Amended 3/4/04 as Admin. Order 04-054, eff. 4/1/04

436-009-0004 Adoption of Standards

(1) The director adopts, by reference, **the columns for "CPT/HCPCS," "Mod," "Non-Facility Total," "Facility Total," and "Global" in the Centers for Medicare & Medicaid Services (CMS) 20067 Medicare Resource-Based Relative Value Scale (RBRVS) Addendum B "Relative Value Units (RVUs) and Related Information"; except the "status indicators," and Addendum C, "Codes with Interim RVUs," 701 Federal Register No. 223231, November 21, 2005December 1, 2006,** as the basis for the fee schedule for payment of medical service providers except as otherwise provided in these rules. **The director does not adopt the definitions, status indicators, alpha codes, edits, processes, policies or philosophies of CMS, such as: the National Correct Coding Initiative.**

(2) The director adopts, by reference, the *American Society of Anesthesiologists ASA, Relative Value Guide 20067* as a supplementary fee schedule for payment of anesthesia service providers except as otherwise provided in these rules for those anesthesia codes not found in the Federal Register.

(3) The director adopts, **by reference, the American Medical Association's (AMA) The Physicians' Current Procedural Terminology (CPT® 20067)**, Fourth Edition Revised, 20056, for billing by medical providers except as otherwise provided in these rules. The guidelines are adopted as the basis for determining level of service.

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

(4) The director adopts, by reference, the AMA's CPT[®] Assistant, Volume 0, Issue 04 1990 through Volume 16, Issue 12 2006, as a supplement for determining the level of service described by the CPT[®] manual guidelines. If there is a conflict between the CPT[®] and CPT[®] Assistant, the CPT[®] shall be the controlling resource to determine the level of service.

(5) The director adopts, by reference, only the alphanumeric codes from the CMS Healthcare Common Procedure Coding System (HCPCS) December 21, 2006, to be used when billing for services only to identify products, supplies, and services that are not described by CPT[®] codes or that provide more detail than a CPT[®] code. The director does not adopt the edits, processes, exclusions, color-coding and associated instructions, age and sex edits, notes, status indicators, or other policies of CMS.

(6) Specific provisions contained in OAR chapter 436, divisions 009, 010, and 015 control over any conflicting provision in Addenda B and C, 701 Federal Register, No. 2231, November 21 December 1, 20056, ASA Relative Value Guide 20067, of CPT[®] 20067, CPT[®] Assistant, or HCPCS 2007.

Stat Auth: ORS 656.248, 656.726(4)

Stats Implemented: ORS 656.248

Hist: Filed 5/27/99 as Admin. Order 99-057, eff. 7/1/99

Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00

Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01

Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02

Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03

Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04

Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05

Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0005 Definitions

(1) Unless a term is specifically defined elsewhere in these rules or the context otherwise requires, the definitions of ORS chapter 656 and OAR 436-010-0005 are hereby incorporated by reference and made part of these rules.

(2) Abbreviations used in these rules are either defined in the rules in which they are used or defined as follows:

(a) CMS means Centers for Medicare & Medicaid Services

(b) CPT[®] means Current Procedural Terminology **published by the American Medical Association**

(c) EDI means ~~E~~lectronic ~~D~~ata ~~I~~nterchange

(d) HCPCS means Healthcare Common Procedure Coding System **published by CMS**

(e) ICD-9-CM means International Classification of Diseases, Ninth Revision, Clinical Modification, Vol. 1, 2 & 3 **by US Department of Health and Human Services**

(f) MCO means ~~M~~anaged ~~C~~are ~~O~~rganization

(g) OSC means Oregon specific code

(h) PCE means physical capacity evaluation

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

- (i) RBRVS means Medicare Resource-Based Relative Value Scale **published by CMS**
- (j) RVU means relative value unit
- (k) WCE means work capacity evaluation.

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.726(4)
 Hist: Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
 Amended 10-2-96 as Admin. Order 96-069, eff. 1/1/97
 Amended 4/3/98 as Admin. Order 98-052, eff. 7/1/98
 Amended 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0006 Administration of Rules

Any orders issued by the division in carrying out the director's authority to enforce ORS chapter 656 and OAR chapter 436, are considered orders of the director.

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.726(4)
 Hist: Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0008 Administrative Review Before the Director

(1)(a) The director has exclusive jurisdiction to resolve all disputes concerning medical services including treatment, medical fees and non-payment of compensable medical bills. The director may, on the director's own motion, initiate a medical service review at any time. A party need not be represented to participate in the administrative review before the director.

(b) Any party may request the director provide voluntary alternative dispute resolution after a request for administrative review or hearing is filed. When a dispute is resolved by agreement of the parties to the satisfaction of the director, the director will put the agreement in writing; or the parties shall put any agreement in writing for approval by the director. If the dispute is not resolved through alternative dispute resolution, the director will issue an order.

(2) The medical provider, injured worker, or insurer may request review by the director in the event of a dispute about either the amount of a fee or non-payment of bills for medical services on a compensable injury. The following time frames and conditions apply to requests for administrative review before the director under this rule:

(a) For all MCO enrolled claims where a party disagrees with an action or decision of the MCO, the aggrieved party shall first apply to the MCO for dispute resolution within 30 days pursuant to OAR 436-015-0110. When the aggrieved party is a represented worker, and the worker's attorney has given written notice of representation, the 30 day time frame begins when the attorney receives written notice or has actual knowledge of the dispute. Administrative review by the director must be requested within 60 days of ~~receipt~~ **issuance** of the MCO's final decision under the MCO's dispute resolution process. If a party has been denied access to the MCO dispute process or the process has not been completed for reasons beyond a party's control, the party may request director review within 60 days of the failure of the MCO process. If the

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

MCO does not have a process for resolving fee and billing disputes, the insurer shall advise the medical provider or worker that they may request review by the director.

(b) For all claims not enrolled in an MCO, or for disputes which do not involve an action or decision of the MCO, the aggrieved party must request administrative review by the director within 90 days of the date the party knew, or should have known, there was a dispute over the provision of medical services. This time frame only applies if the aggrieved party other than the insurer is given written notice that they have 90 days in which to request administrative review by the director. When the aggrieved party is a represented worker, and the worker's attorney has given written notice of representation, the 90 day time frame begins when the attorney receives written notice or has actual knowledge of the dispute. For purposes of this rule, the date the insurer should have known of the dispute is the date action on the bill was due pursuant to OAR 436-009-0030. Filing a request for administrative review under this rule may also be accomplished in the manner prescribed in OAR chapter 438, division 005.

(c) When an insurer determines it has overpaid a provider for a medical service, it may request review by the director within 90 days of the date payment was issued.

~~(e)~~**(d)** Under ORS 656.704(3)(c), when there is a formal denial of the underlying condition or a denial of the causal relationship between the medical service and the accepted condition, the issue may first be decided by the Hearings Division of the Workers' Compensation Board.

(3) Parties must submit requests for administrative review to the director in the form and format prescribed by the director. When an insurer or the worker's representative submits a request without the required information, at the director's discretion the administrative review may not be initiated until the information is submitted. Unrepresented workers may contact the director for help in meeting the filing requirements. The requesting party must simultaneously notify all other interested parties of the dispute, and their representatives, if known, as follows:

- (a) Identify the worker's name, date of injury, insurer, and claim number.
- (b) Specify the issues in dispute and the relief sought.
- (c) Provide the specific dates of the unpaid disputed treatment or services.

(d) If the request for review is submitted by either the insurer or medical provider, it shall state specific code(s) of service(s) in dispute and include sufficient documentation to support the review request, including but not limited to copies of original CMS bills, chart notes, bill analyses, operative reports, any correspondence between the parties regarding the dispute, and any other documentation necessary to evaluate the dispute. The insurer or medical provider requesting review shall certify that they have provided all involved parties a copy of:

- (A) The request for review; and
- (B) Any attached supporting documentation; and
- (C) If known, an indication of whether or not there is an issue of causation or compensability of the underlying claim or condition.

- (4) The division will investigate the matter upon which review was requested.

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

(a) The investigation may include, but not be limited to, request for and review of pertinent medical treatment and payment records, interviews with the parties to the dispute, or consultation with an appropriate committee of the medical provider's peers.

(b) Upon receipt of a written request for additional information, the party must respond within 14 days.

(c) A dispute may be resolved by agreement between the parties to the dispute. When the parties agree, the director may issue a letter of agreement in lieu of an administrative order, which will become final on the 10th day after the letter of agreement is issued unless the agreement specifies otherwise. Once the agreement becomes final, the director may revise the agreement or reinstate the review only under one or more of the following conditions:

(A) A party fails to honor the agreement;

(B) The agreement was based on misrepresentation;

(C) Implementation of the agreement is not feasible because of unforeseen circumstances; or

(D) All parties request revision or reinstatement.

(5) The director may on the director's own motion reconsider or withdraw any order that has not become final by operation of law. A party may also request reconsideration of an administrative order upon an allegation of error, omission, misapplication of law, incomplete record, or the discovery of new information which could not reasonably have been discovered and produced during the review. The director may grant or deny a request for reconsideration at the director's sole discretion. A request must be mailed to the director before the administrative order becomes final.

(6) Hearings before an administrative law judge: Under ORS 656.704(2), any party that disagrees with an action or order of the director under these rules may request a hearing by filing a request for hearing as provided in OAR 436-001-0019 within 30 days of the mailing date of the order or notice of action. OAR 436-001 applies to the hearing.

(7) Contested case hearings of sanction and civil penalties: Under ORS 656.740, any party that disagrees with a proposed order or proposed assessment of a civil penalty issued by the director under ORS 656.254, or 656.745 may request a hearing by the Hearings Division of the Workers' Compensation Board as described in OAR 436-010-0008(14).

(8) Director's administrative review of other actions: Any party seeking an action or decision by the director or aggrieved by an action taken by any other party, not covered under sections (1) through (7) of this rule, according to these rules, may request administrative review by the director as follows:

(a) A written request for review must be sent to the administrator of the Workers' Compensation Division within 90 days of the disputed action and must specify the grounds upon which the action is contested.

(b) The division may require and allow such input and information as it deems appropriate to complete the review.

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

~~(e) The director may issue an order and will specify if the order is final or if it may be appealed under section (6) of this rule.~~

Stat. Auth.: ORS 656.704, 656.726(4)
 Stats. Implemented: ORS 656.704
 Hist: Renumbered from OAR 436-010-0110(1), (2), (3), (4), and (5) to OAR 436-009-0008(2), (3), (4), and (5);
 from OAR 436-010-0110(6) to OAR 436-009-0008(1)(b); and,
 Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
 Amended 4/3/98 as Admin. Order 98-052, eff. 7/1/98
 Amended 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00
 Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 12/12/03 as WCD Admin. Order 03-068, eff. 1/1/04 (Temporary)
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05
 Amended 10/19/05 as WCD Admin. Order 05-062, eff. 1/2/06
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0010 General Requirements for Medical Billings

(1) Only treatment that falls within the scope and field of the practitioner's license to practice will be paid under a worker's compensation claim.

(2) **Billings shall include the worker's full name and date of injury, the employer's name and, if available, the insurer's claim number.** All medical providers shall submit bills to the insurer or managed care organization, as provided by their contract for medical services, on a **completed** current UB92 ~~-04 (CMS 1450)~~ or CMS 1500 form, except for:

(a) Dental billings, which shall be submitted on American Dental Association dental claim forms;

(b) Pharmacy billings, which shall be submitted on the most current National Council for Prescription Drug Programs (NCPDP) form; **and**

(c) ~~EDI~~ **Electronic billing** transmissions of medical bills under OAR 436-009-0030(3)(c). Computer-generated reproductions of these forms may also be used. ~~Billings shall include the worker's full name, date of injury, the employer's name and, if available, the insurer's claim number.~~

(3)(a) All original medical provider billings shall be accompanied by legible chart notes documenting services which have been billed, and identifying the person performing the service and license number of **the** person providing the service. Medical ~~doctors~~ **providers** are not required to provide their ~~medical~~ license number if they are already providing ~~other~~ **a national** identification such as a federal tax reporting identification number or Unique Provider Identification Number (UPIN).

(b) When processing billings via EDI, the insurer may waive the requirement that billings be accompanied by chart notes. The insurer remains responsible for payment of only compensable medical services. The medical provider may submit their chart notes separately or at regular intervals as agreed with the insurer.

(4) **When billing for medical services, a medical service provider will use** C-codes listed in CPT[®] 2006~~7~~ or Oregon Specific Codes (OSC) ~~shall be used when billing medical~~

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

services that accurately describe the service. If there is no specific CPT® code or OSC, a medical service provider must use the appropriate HCPCS code, if available, to identify the medical supply or service. All billings shall be fully itemized and include ICD-9-CM codes. Services shall be identified by the code numbers and descriptions provided in these rules. A "zz" qualifier shall be used when billing electronically for services that use an Oregon-Specific Codes. A medical provider may use the codes for billing if the codes accurately describe the medical service provided.

(a) If there is no specific code for the medical service, the medical service provider shall use the appropriate unlisted code at the end of each medical service section of CPT® 2006~~7~~ and provide a description of the service provided. ~~Providers may use the appropriate HCPCS code in the description.~~

(b) Any service not identifiable with a code number shall be adequately described by report.

(c) All billings shall be fully itemized and include ICD-9-CM codes.

(5) Medical providers must ~~send~~submit billings for medical services ~~within~~ in accordance with this section. A medical service billing submitted later than the time frames described in this section may be payable in full if the provider establishes good cause for submitting the bill late.

(a) Bills must be submitted within:

(A) 60 days of the date of service.;

(B) Late billings may be discounted by the insurer up to 10 percent of the remaining balance if 60 days after the medical provider has received notice or knowledge of the responsible workers' compensation insurer or processing agent.; ~~or The discount may be taken every 30 days for late billings.~~

(C) 60 days after any litigation, affecting the compensability of the service, is final, if the provider is given notice.

(b) If subsection (a) of this rule is not applicable, then 12 months after the date of service the bill is considered rendered late and payment is not due.

(6) When rebilling, medical providers shall indicate that the charges have been previously billed.

(7) The medical provider shall bill their usual fee charged to the general public. The submission of the bill by the medical provider shall serve as a warrant that the fee submitted is the usual fee of the medical provider for the services rendered. The department shall have the right to require documentation from the medical provider establishing that the fee under question is the medical provider's usual fee charged to the general public. For purposes of this rule, "general public" means any person who receives medical services, except those persons who receive medical services subject to specific billing arrangements allowed under the law which require providers to bill other than their usual fee.

(8) Medical providers shall not submit false or fraudulent billings, including billing for

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

services not provided. As used in this section, "false or fraudulent" shall mean an intentional deception or misrepresentation issued with the knowledge that the deception could result in unauthorized benefit to the provider or some other person. **This section does not apply to requests for pre-payment from medical providers.**

(9) When a worker with two or more separate compensable claims receives treatment for more than one injury or illness, costs shall be divided among the injuries or illnesses, irrespective of whether there is more than one insurer.

(10) Workers may make a written request to a medical provider to receive copies of medical billings. Upon receipt of a request, the provider may furnish the worker a copy during the next billing cycle, but no later than 30 days following receipt of the request. Thereafter, worker copies shall be furnished during the regular billing cycle.

Stat. Auth.: ORS 656.245, 656.252, 656.254
 Stats. Implemented: ORS 656.245, 656.252, 656.254
 Hist: Renumbered from OAR 436-010-0010(5) and (6) to OAR 436-009-0010(1) and (2);
 from 436-010-0040(3)(d) and (e) to 436-009-0010(3) and (4);
 from 436-010-0040(7) and (9) to 436-009-0010(4) and (5);
 from 436-010-0040(11) to 436-009-0010(11); and
 Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
 Amended 10-2-96 as Admin. Order 96-069, eff. 1-1-97
 Amended 4/3/98 as Admin. Order 98-052, eff. 7/1/98
 Amended 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00
 Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01
 Amended 9/13/01 as WCD Admin. Order 01-058, eff. 9/17/01
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0015 Limitations on Medical Billings

(1) An injured worker is not liable to pay for any medical service related to an accepted compensable injury or illness or any amount reduced by the insurer according to OAR chapter 436. A medical provider shall not attempt to collect payment for any medical service from an injured worker, except as follows:

(a) When the injured worker seeks treatment for conditions not related to the accepted compensable injury or illness;

(b) When the injured worker seeks treatment that has not been prescribed by the attending physician or authorized nurse practitioner, or a specialist physician upon referral of the attending physician or authorized nurse practitioner. This would include, but not be limited to, ongoing treatment by non-attending physicians in excess of the 30-day/12-visit period or by nurse practitioners in excess of the 90-day period, as set forth in ORS 656.245 and OAR 436-010-0210;

(c) When the injured worker seeks palliative care that is either not compensable or not authorized by the insurer or the director under OAR 436-010-0290, after the worker has been provided notice that the worker is medically stationary;

(d) When the injured worker seeks treatment outside the provisions of a governing MCO

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

contract after insurer notification in accordance with OAR 436-010-0275; or

(e) When the injured worker seeks treatment after being notified that such treatment has been determined to be unscientific, unproven, outmoded, or experimental.

(2) A medical provider may not charge any fee for completing a medical report form required by the director under this chapter or for providing chart notes required by OAR 436-009-0010(3) of this rule.

(3) The medical provider may not charge a fee for the preparation of a written treatment plan and the supplying of progress notes that document the services billed as they are integral parts of the fee for the medical service.

(4) No fee is payable for the completion of a work release form or completion of a PCE form where no tests are performed.

(5) No fee is payable for a missed appointment except a closing examination or an appointment arranged by the insurer or for a Worker Requested Medical Examination. Except as provided in OAR 436-009-0070 (9)(d) and (10)(d), when the worker fails to appear without providing the medical provider at least 24 hours notice, the medical provider shall be paid at 50 percent of the examination or testing fee.

(6) Under ORS 656.245 (3), the director has excluded from compensability the following medical treatment. While these services may be provided, medical providers shall not be paid for the services or for treatment of side effects.

(a) Dimethyl sulfoxide (DMSO), except for treatment of compensable interstitial cystitis,

(b) Intradiscal electrothermal therapy (IDET)

(c) Surface EMG (electromyography) tests,

(d) Rolfing,

(e) Prolotherapy, and

(f) Thermography.

(7) Only one office visit code may be used for each visit except for those code numbers relating specifically to additional time.

(8) Mechanical muscle testing may be paid a maximum of three times during a treatment program when prescribed and approved by the attending physician or authorized nurse practitioner: once near the beginning, once near the middle, and once near the end of the treatment program. Additional mechanical muscle testing shall be paid for only when authorized in writing by the insurer prior to the testing. The fee for mechanical muscle testing includes a copy of the computer printout from the machine, written interpretation of the results, and documentation of time spent with the patient.

(9)(a) When a physician or authorized nurse practitioner provides services in hospital emergency or outpatient departments which are similar to services that could have been provided in the physician's or authorized nurse practitioner's office, such services shall be identified by CPT[®] codes and paid according to the fee schedule.

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

(b) When a worker is seen initially in an emergency department and is then admitted to the hospital for inpatient treatment, the services provided immediately prior to admission shall be considered part of the inpatient treatment. Diagnostic testing done prior to inpatient treatment shall be considered part of the hospital services subject to the hospital fee schedule.

(10) Physician assistant, authorized nurse practitioner, or out-of-state nurse practitioner fees shall be paid at the rate of 85 percent of a physician's allowable fee for a comparable service. The bills for services by these providers must be marked with modifier "-81". Chart notes shall document when medical services have been provided by a physician assistant or nurse practitioner.

(11) Except as otherwise provided in OAR 436-009-0070, when a medical provider is asked to prepare a report, or review records or reports prepared by another medical provider, an insurance carrier or their representative, the medical provider should bill for their report or review of the records utilizing CPT[®] ~~C~~codes such as 99080. Refer to specific code definitions in the CPT[®] for other applicable codes. The billing should include documentation of the actual time spent reviewing the records or reports.

Stat. Auth.: ORS 656.245, 656.252, 656.254
 Stats. Implemented: ORS 656.245, 656.252, 656.254
 Hist: Filed 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00
 Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01
 Amended 9/13/01 as WCD Admin. Order 01-058, eff. 9/17/01
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 12/12/03 as WCD Admin. Order 03-068, eff. 1/1/04 (Temporary)
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0020 Hospital Fees

(1) Hospital inpatient charges billed to insurers shall include ICD-9-CM diagnostic and procedural codes. Unless otherwise provided for by a governing MCO contract, insurers shall pay hospitals for inpatient services using the current adjusted cost/charge ratio (see Bulletin 290). For purposes of this rule, hospital inpatient services include, but are not limited to, those bills coded "111" through "118" in space #4 on the UB92 ~~-04~~ billing form. The audited bill shall be multiplied by the hospital's adjusted cost/charge ratio to determine the allowable payment.

(2) Hospital outpatient charges billed to insurers shall include revenue codes, ICD-9-CM diagnostic and procedural codes, CPT[®] codes, HCPCS codes, and National Drug Codes (NDC), where applicable. Unless otherwise provided for by a governing MCO contract, insurers shall pay hospitals for outpatient services according to the following: the insurer shall first separate out and pay charges for services by physicians and other licensed medical service providers assigned a code under the CPT[®] and assigned a value in RBRVS for physician fees as identified by the revenue codes indicating professional services. These charges must be subtracted from the total bill and the adjusted cost/charge ratio applied only to the balance. For all outpatient therapy services (physical therapy, occupational therapy, and speech language pathology), use the non-facility total column. All other charges billed using both the hospital name and tax identification number will be paid as if provided by the hospital.

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

(3) Each hospital's CMS 2552 form and financial statement shall be the basis for determining its adjusted cost/charge ratio. If a current form 2552 is not available, then financial statements may be used to develop estimated data. If the adjusted cost/charge ratio is determined from estimated data, the hospital will receive the lower ratio of either the hospital's last published cost/charge ratio or the hospital's cost/charge ratio based on estimated data.

(a) The basic cost/charge ratio shall be developed by dividing the total net expenses for allocation shown on Worksheet A, and as modified in subsection (b), by the total patient revenues from Worksheet G-2.

(b) The net expenses for allocation derived from Worksheet A shall be modified by adding, from Worksheet A-8, the expenses for:

(A) Provider-~~B~~based physician adjustment;

(B) Patient expenses such as telephone, television, radio service, and other expenses determined by the department to be patient-related expenses; and

(C) Expenses identified as for physician recruitment.

(c) The basic cost/charge ratio shall be further modified to allow a factor for bad debt and the charity care provided by each hospital. The adjustment for bad debt and charity care is calculated in two steps. Step one: Add the dollar amount for net bad debt to the dollar amount for charity care. Divide this sum by the dollar amount of the total patient revenues, from Worksheet G-2, to compute the bad debt and charity ratio. Step two: Multiply the bad debt and charity ratio by the basic cost/charge ratio calculated in subsection (3)(a) to obtain the factor for bad debt and charity care.

(d) The basic cost/charge ratio shall be further modified to allow an adequate return on assets. The director will determine a historic real growth rate in the gross fixed assets of Oregon hospitals from the audited financial statements. This real growth rate and the projected growth in a national fixed weight price deflator will be added together to form a growth factor. This growth factor will be multiplied by the total fund balance, from Worksheet G of each hospital's CMS 2552 to produce a fund balance amount. The fund balance amount is then divided by the total patient revenues from Worksheet G-2, to compute the fund balance factor.

(e) The factors resulting from subsections (3)(c) and (3)(d) of this rule will be added to the ratio calculated in subsection (3)(a) of this rule to obtain the adjusted cost/charge ratio. In no event will the adjusted cost/charge ratio exceed 1.00.

(f) The adjusted cost/charge ratio for each hospital will be revised annually, at a time based on their fiscal year, as described by bulletin. Each hospital shall submit a copy of their CMS 2552 and financial statements each year within 150 days of the end of their fiscal year to the Information Management Division, Department of Consumer and Business Services. The adjusted cost/charge ratio schedule will be published by bulletin twice yearly, effective for the six-month period beginning April 1 and the six-month period beginning October 1.

(g) For newly formed or established hospitals for which no CMS 2552 has been filed or for which there is insufficient data, or for those hospitals that do not file Worksheet G-2 with the submission of their CMS 2552, the division shall determine an adjusted cost/charge ratio for the

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

hospital based upon the adjusted cost/charge ratios of a group of hospitals of similar size or geographic location.

(h) If the financial circumstances of a hospital unexpectedly or dramatically change, the division may revise the hospital's adjusted cost/charge ratio to allow equitable payment.

(i) If audit of a hospital's CMS 2552 by the CMS produces significantly different data from that obtained from the initial filing, the division may revise the hospital's adjusted cost/charge ratio to reflect the data developed subsequent to the initial calculation.

(j) Notwithstanding subsections (c) through (i) of this section, the ~~cost/charge ratio shall be 1.000~~ payment to for out-of-state hospitals, ~~unless a lower~~ may be negotiated between the insurer and the hospital.

(A) Any agreement for payment less than the billed amount must be put in writing and signed by a hospital and insurer representative.

(B) The agreement must include language that the hospital will not bill the worker any remaining balance and that the negotiated amount is considered payment in full.

(C) If the insurer and the hospital are unable to reach agreement within 60 days of the insurer's receipt of the bill, they may bring the issue to the director for resolution. The director may order payment up to the amount billed considering factors such as, but not limited to, reasonableness, usual fees for similar services by facilities in similar geographic areas, case specific services, and any extenuating circumstances.

(k) Notwithstanding sections (1) and (2) of this rule, the director may exclude rural hospitals from imposition of the adjusted cost/charge ratio based upon a determination of economic necessity. The rural hospital exclusion will be based on the financial health of the hospital reflected by its financial flexibility index, as originally developed by Dr. William Cleverley. All rural hospitals having a financial flexibility index at or below the median for hospitals nationwide with a bond rating of BBB+, BBB, or BBB- will qualify for the rural exemption. Rural hospitals that are designated as critical access hospitals under the Oregon Medicare Rural Hospital Flexibility Program are automatically exempt from imposition of the adjusted cost/charge ratio.

Stat. Auth.: ORS 656.726(4), also see 656.012, 656.236(5), 656.327(2), 656.313(4)(d)
 Stats. Implemented: ORS 656.248; sec. 2, ch. 771, Oregon Laws 1991; 656.252; 656.256
 Hist: Renumbered from OAR 436-010-0090(1) through (4), (7) through (32) to OAR 436-009-0020(1) through (29), (32) and (33);
 from OAR 436-010-0040(4)(b)(A) and (c) to OAR 436-009-0020(30) and (31);
 from OAR 436-010-0047(6) and (7) to OAR 436-009-0020(34) through (37), and;
 filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
 Amended 10-2-96 as Admin. Order 96-069, eff. 1-1-97
 Amended 4-21-97 as Admin. Order 97-053, eff. 7-1-97
 Amended 7-9-97 as WCD Admin. Order 97-056, eff. 7-9-97 (Temp)
 Amended 12-15-97 as WCD Admin. Order 97-056, eff. 12-15-97
 Amended 4/3/98 as WCD Admin. Order 98-052, eff. 7/1/98
 Amended 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

436-009-0022 Ambulatory Surgical Center Fees

(1) An ambulatory surgical center (ASC) is any distinct entity licensed by the state of Oregon, and operated exclusively for the purpose of providing surgical services to patients not requiring hospitalization.

(a) Any ~~ambulatory surgical center~~ASC outside of Oregon must meet similar licensing requirements, or be certified by Medicare or a nationally recognized agency.

(b) Bills from an ASC shall be submitted on CMS 1500 form. The modifier "SG" shall be used to identify facility charges.

(2) Fees shall be paid at the provider's usual fee, or in accordance with the fee schedule, whichever is less. For all MCO enrolled claims, payment of fees shall be as provided by the MCO contract, at the provider's usual fee, or according to the fee schedule, whichever is less.

(3) Payment shall be made using the Medicare ASC groups, except:

(a) Arthroscopies (CPT[®] codes 29819 through 29898 except 29888 and 29889) are paid as Group 6.

(b) Arthroscopies (CPT[®] codes 29888 and 29889) are paid as Group 7.

(c) Services Procedures not listed in the Medicare ASC groups **1 through 9** shall be paid at the provider's usual rate.

(4) The ASC fee schedule is:

Group 1	\$ 853.28
Group 2	\$ 1,143.88
Group 3	\$ 1,307.68
Group 4	\$ 1,616.75
Group 5	\$ 1,838.68
Group 6	\$ 2,108.00
Group 7	\$ 2,551.95
Group 8	\$ 2,485.78
Group 9	\$ 3,444.43

(5) The ASC fee includes services, such as:

(a) Nursing, technical, and related services;

(b) Use of the facility where the surgical procedure is performed;

(c) Drugs, biologicals, surgical dressings, supplies, splints, casts, and appliances and equipment directly related to the provision of the surgical procedure;

(d) Diagnostic or therapeutic services or items directly related to the provision of a surgical procedure;

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

- (e) Administrative, record-keeping, and housekeeping items and services;
- (f) Materials for anesthesia;
- (g) Supervision of the services of an anesthetist by the operating surgeon.

(6) The ASC fee does not include services, such as physicians' services, laboratory, x-ray or diagnostic procedures not directly related to the surgical procedure, prosthetic devices, orthotic devices, durable medical equipment (DME), ~~and/or~~ anesthetists' services. The insurer shall pay for prosthetic devices, orthotic devices, and DME as provided in OAR 436-009-0080.

(7) When multiple procedures are performed, the highest payment group shall be paid at 100% of the maximum allowed fee. Each additional procedure shall be paid at 50% of the maximum allowed fee.

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.248; 656.252
 Hist: Adopted 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0025 Reimbursement of Related Services Costs

(1) The insurer shall notify the worker **in writing** at the time of claim acceptance that ~~actual and reasonable costs for travel, prescriptions and other claim-related services, **not otherwise addressed by these rules**, paid by the worker will be reimbursed by the insurer upon request **as provided in this rule. The notification must include notice to the worker of the two year time limitation to request reimbursement.**~~

(a) The worker must request reimbursement from the insurer in writing.

(b) The insurer may require reasonable documentation to support the request. Insurers shall date stamp requests for reimbursement upon receipt and shall reimburse the costs within 30 days of receiving the ~~worker's written~~ request and supporting documentation, if the request clearly shows the costs are related to the accepted compensable injury or disease. If the insurer cannot determine if the costs are related to the accepted compensable injury or disease, the insurer shall inform the worker what information is needed before the request for reimbursement can be processed. **If additional information is needed, the time needed to obtain the information is not counted in the 30 day time frame for the insurer to issue reimbursement.**

(c) Notwithstanding subsections (a) and (b) of this section, ~~On~~ **in** deferred claims, requests which are at least 30 days old at the time of claim acceptance become due immediately upon claim acceptance and shall be paid within 14 days. ~~If there is~~ **In** a claim for aggravation or a new medical condition ~~on an accepted claim~~, reimbursement of related services is not due and payable until the aggravation or new medical condition is accepted. If the claim is denied, requests for reimbursement shall be returned to the worker within 14 days.

(2) Reimbursement of the costs of meals, lodging, public transportation and use of a private vehicle **shall be** reimbursed **as provided in this section.** ~~at the rate of reimbursement for State of Oregon classified employees, as published in Bulletin 112, complies with this section. Except, reimbursement may exceed these rates where special transportation or lodging is needed.~~

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES

(a) Meal reimbursement shall be based on the actual cost as documented by a receipt or the maximum allowed for a State of Oregon classified employee (SOCE) for the meal in question, whichever is less. Workers are entitled to reimbursement for:

(A) Breakfast when overnight travel is required and an appointment requires absence from home or work before 6:00 AM;

(B) Lunch when overnight travel is required and an appointment requires absence from home or work between 11:30 AM and 1:00 PM.

(C) Dinner when overnight travel is required and an appointment requires absence from home or work after 7:00 PM.

(b) Lodging will be reimbursed when overnight travel is required to attend an appointment and will be based on actual cost as documented by receipt or the maximum rate allowed for a SOCE, whichever is less. Except, reimbursement may exceed the SOCE rate where special lodging is needed or if no lodging is available at or below the maximum amount within a reasonable distance of the appointment location.

(c) Travel by personal vehicle will be reimbursed based on the maximum rate for SOCE as published in Bulletin 112. Except, reimbursement may exceed the SOCE rate when special transportation is needed. Travel by public transportation will be reimbursed based on documented actual cost.

(d) Prescriptions and other claim related costs will be reimbursed based on actual and reasonable costs documented by receipt.

(e) The maximum rate allowed for a SOCE is published in Bulletin 112.

(3) Requests for reimbursement of **claim** related services costs must be received by the insurer within two years of the date the costs were incurred or within two years of the date the claim or medical condition is finally determined compensable, whichever date is later. The insurer may disapprove requests for reimbursement received beyond the two year period as being untimely requested.

(4) Requests for reimbursement denied as unreasonable or not related to the accepted compensable injury or disease shall be returned to the worker within 30 days of the date of receipt by the insurer. The insurer shall provide the worker an explanation of the reason for nonpayment and advise the worker of the right to appeal the insurer's decision by requesting administrative review before the director, under OAR 436-009-0008.

(5) Pursuant to ORS 656.325(1)(~~e~~)(**f**) and OAR 436-060-0095(5)(f), the insurer shall reimburse the worker for costs related to the worker's attendance at an independent medical examination regardless of the acceptance, deferral, or denial of the claim.

Stat. Auth: ORS 656.245, 656.704, and 656.726(4)

Stat. Implemented: ORS 656.245, 656.704, and 656.726(4)

Hist: Amended and renumbered from OAR 436-060-0070, 12/17/01, as WCD Admin. Order 01-064, eff. 1/1/02

Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04

Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

436-009-0030 Insurer's Duties and Responsibilities

(1) The insurer shall pay for medical services related to a compensable injury claim, except as provided by OAR 436-060-0055.

(2) The insurer, or its designated agent, may request from the medical provider, any and all necessary records needed to review accuracy of billings. The medical provider may charge an appropriate fee for copying documents in accordance with OAR 436-009-0070(1). If the evaluation of the records must be conducted on-site, the provider shall furnish a reasonable work-site for the records to be reviewed at no cost. These records shall be provided or made available for review within 14 days of a request.

(3) Insurers shall date stamp medical bills and reports upon receipt and pay bills for medical services on accepted claims within 45 days of receipt of the bill, if the billing is submitted in proper form in accordance with OAR 436-009-0010(2) through (4) and clearly shows that the treatment is related to the accepted compensable injury or disease. Billings not submitted in the proper form must be returned to the medical provider within 20 days of receipt of the bill **with a written explanation describing why the bill was not paid or what needs to be corrected.** A request for chart notes on EDI billings must be made to the medical provider within 20 days of receipt of the bill. The number of days between the date the insurer returns the billing or requests for chart notes from the provider and the date the insurer receives the corrected billing or chart notes, shall not apply toward the 45 days within which the insurer is required to make payment.

(a) The insurer shall retain a copy of each medical provider's bill received by the insurer or shall be able to reproduce upon request data relevant to the bill, including but not limited to, provider name, date of service, date the insurer received the bill, type of service, billed amount, coding submitted by the medical provider as described in OAR 436-009-0010(2), and insurer action, for any **non-payment or** fee reduction other than a fee schedule reduction. This includes all bills submitted to the insurer even when the insurer determines no payment is due. **The insurer must provide the specific reason(s) for non-payment of the billing, in writing, to the submitting medical provider.**

(b) Any service billed with a code number commanding a higher fee than the services provided shall be returned to the medical provider for correction or paid at the value of the service provided.

(c) When a medical provider ~~renders~~ **submits** a bill ~~via EDI~~ **electronically**, it shall be considered "mailed" in accordance with OAR 436-010-0005.

(4) Payment of medical bills is required within 14 days of any action causing the service to be payable, or within 45 days of the insurer's receipt of the bill, whichever is later.

(5) Failure to pay for medical services timely may render **the** insurer liable to pay a reasonable monthly service charge for the period payment was delayed, if the provider customarily levies such a service charge to the general public.

(6) When there is a dispute over the amount of a bill or the appropriateness of services rendered, the insurer shall, within 45 days, pay the undisputed portion of the bill and at the same time provide specific reasons for non-payment or reduction of each medical service code.

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

Resolution of billing disputes, **including possible overpayment disputes**, shall be made in accordance with OAR 436-009-0008, 436-010-0008 and 436-015.

(7) Bills for medical services rendered at the request of the insurer and bills for information submitted at the request of the insurer, which are in addition to those required in OAR 436-010-0240 shall be paid for within 45 days of receipt by the insurer even if the claim is denied.

(8) The insurer shall establish an audit program for bills for all medical services to determine that the bill reflects the services provided, that appropriate prescriptions and treatment plans are completed in a timely manner, that payments do not exceed the maximum fees adopted by the director, and that bills are submitted in a timely manner. The audit shall be continuous and shall include no fewer than 10 percent of medical bills. The insurer shall provide upon request documentation establishing that the insurer is conducting a continuous audit of medical bills. This documentation shall include, but not be limited to, medical bills, internal audit forms, and any medical charge summaries prepared by private medical audit companies.

(9) The insurer must pay a medical provider for any bill related to the claimed condition received by the insurer on or before the date the terms of a disputed claim settlement (DCS) were agreed on, but was either not listed in the approved DCS or was not paid to the medical provider as set forth in the approved DCS. Payment must be made by the insurer as prescribed by ORS 656.313(4)(d) and OAR 438-009-0010(2)(g) as if the bill had been listed in the approved settlement or as set forth in the approved DCS, except if the DCS payments have already been made, the payment must not be deducted from the settlement proceeds. Payment must be made within 45 days of the insurer's knowledge of the outstanding bill.

(10) Insurers that had at least 100 accepted disabling claims in the previous calendar year, as determined by the director, are required to submit detailed medical service billing data to the Information Management Division of the Department of Consumer and Business Services at 350 Winter St NE, Room 300, PO Box 14480, Salem OR 97309-0405. Once an insurer has reached the minimum number of accepted disabling claims, they must continue to report in subsequent years unless there is a significant decrease below the 100 claim minimum which is expected to continue. If the insurer drops below the 100 disabling claim level or encounters other significant hardships, the insurer may apply to the director for exemption from the reporting requirement. The reporting requirements are as follows:

(a) The director will notify the affected insurers when they reach the minimum. The transmission data and format requirements are included in Appendix A;

(b) The data shall include all payments made during each calendar quarter for medical services that are covered by the department's fee schedules. The following apply:

(A) Hospital Inpatient: Each hospital inpatient stay should be reported as one record summarizing all services related to the inpatient stay using provider type "HI." Report ICD-9-CM procedure code in the service code field.

(B) Hospital Outpatient: Report at the individual service-code level using provider type "HO." A service code, whether CPT[®], HCPCS or other, is required on all "HO" records in addition to the ICD-9-CM diagnostic code.

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

(C) Adjustments to payments must be associated with specific services.

(c) The affected insurers shall submit the medical data within 45 days of the end of each calendar quarter. A grace period of two calendar quarters may be granted for revised requirements and also for insurers which are newly affected by these requirements. The calendar quarter due dates are as outlined in the table below:

QUARTERLY DUE DATES Table

QUARTER	MONTH OF PAYMENT	DUE NEXT
First	January, February & March	May 15th
Second	April, May & June	August 14th
Third	July, August & September	November 14th
Fourth	October, November & December	February 14th

(d) Technical Requirements: Data for each quarter calendar year must be transmitted as an individual file. Insurers transmitting data for more than one insurer may batch multiple insurer data files in one transmission. Data must be transmitted in electronic text files ~~either on a 3.5 inch diskette, CD, or by~~ **secure** file transfer protocol (**SFTP**). Contact the Information Management Division (IMD) to arrange submission by **secure** FTP files ~~or other electronic transmission methods~~. The record length must be fixed, 129 bytes, no packed fields, and in conformance with the records layout in Appendix A. ~~Diskettes must be ASCII format, high density. Diskettes and CDs must have a physical label that indicates "Medical Data," the name of the group submitting, the quarter reported, and the date the file was created. Include a cover letter in the same package with each diskette or CD.~~ Contact IMD for e-mail cover letter instructions. The cover letter must include ~~the label information and~~ the following: a list of all insurance companies' data included in the transmission; number of records; a contact person's name, address, and telephone number; and any known problems with the data.

(e) Data Quality: The director will conduct electronic edits for blank or invalid data. Affected insurers are responsible for pre-screening the data they submit to check that all the required information is reported. Files which have more than five percent missing or invalid data in any field, based on initial computerized edits, will be returned to the insurer for correction and must be resubmitted within three weeks (21 days) from the date it was returned by the department.

(f) Audit Quality: The director may also conduct field audits of actual payments reported for individual claims. When an audit occurs, in order to be in compliance with this rule audited data must have no more than 15 percent inaccurate data in any field.

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.252, 656.325, 656.245, 656.248, 656.260, 656.264
 Hist: Filed 2/23/82 as Admin. Order 5-1982, eff. 3/1/82
 Amended 1/16/84 as Admin. Order 1-1984, eff. 1/16/84
 Renumbered from OAR 436-69-801, eff. 5/1/85
 Amended 12/10/85 as Admin. Order 6-1985, eff. 1/1/86
 Amended 1/20/88 as Admin. Order 1-1988, eff. 2/1/88
 Amended 9/6/88 as Admin. Order 6-1988, eff. 9/15/88
 Amended 1/5/90 as Admin. Order 1-1990, eff. 2/1/90
 Amended 6/20/90 as Admin. Order 6-1990, eff. 7/1/90 (Temp)

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION**
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

Amended 12/10/90 as Admin. Order 32-1990, eff. 12/26/90
 Amended 6/11/92 as Admin. Order 13-1992, eff. 7/1/92
 Amended 12/20/94 as Admin. Order 94-064, eff. 2/1/95
 Renumbered from OAR 436-010-0100(8) through (15), (27) and (28) to OAR 436-009-0030 and
 Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
 Amended 10-2-96 as Admin. Order 96-069, eff. 1-1-97
 Amended 4-21-97 as Admin. Order 97-053, eff. 7-1-97
 Amended 4/3/98 as WCD Admin. Order 98-052, eff. 7/1/98
 Amended 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0035 Interim Medical Benefits

- (1) Interim medical benefits are not due on claims:
 - (a) When the worker is enrolled in an MCO prior to claim acceptance pursuant to ORS 656.245(4)(b)(B).
 - (b) When the insurer denies the claim within 14 days of the employer's notice.
 - (c) With dates of injury prior to January 1, 2002.
- (2) Interim medical benefits include:
 - (a) Diagnostic services required to identify appropriate treatment or prevent disability.
 - (b) Medication required to alleviate pain.
 - (c) Services required to stabilize the worker's claimed condition and to prevent further disability. Examples of such services may include, but are not limited to: antibiotic or anti-inflammatory medication; physical therapy and other conservative therapies; and necessary surgical procedures.
- (3) If the medical service provider has knowledge that the worker filed a work related claim, the medical service provider shall not collect health benefit plan co-payment from the worker.
- (4) The medical service provider shall submit a copy of the bill to the workers' compensation insurer in accordance with OAR 436-009-0010, and the health benefit plan(s) in accordance with the plan's requirements.
- (5) The insurer shall notify the medical service provider when an initial claim is denied.
- (6) When the claim is denied, the medical service provider shall first bill the health benefit plan(s) with a copy of the workers' compensation denial letter.
- (7) After payment is received from the health benefit plan(s), the medical service provider may bill the workers' compensation insurer, according to OAR 436-009-0010, for any remaining balance. The provider shall include a copy of the health benefit plan(s)' explanation of benefits with the bill. If the worker has no health benefit plan, the workers' compensation insurer is not required to pay for interim medical benefits.
- (8) The workers' compensation insurer shall pay in accordance with the Oregon fee rules, any amount not reimbursed by the health benefit plan within 45 days of receipt of the bill with the health plan's explanation of benefits, in accordance with OAR 436-009-0030 (6).

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

Stat. Auth: ORS 656.245, 656.704, and 656.726(4)
Stat. Implemented: ORS 656.247
Hist: Filed 1/1/02 as Admin. Order 01-064 eff. 1/1/02
Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0040 Calculating Medical Provider Fees

(1) The insurer shall pay for medical services at the provider's usual fee or in accordance with the fee schedule whichever is less. Insurers shall pay for medical services that have no fee schedule at the provider's usual fee. For all MCO enrolled claims, the insurer shall pay for medical services at the provider's usual fee or according to the fee schedule, whichever is less, unless otherwise provided by MCO contract. Where there is no maximum payment established by the fee schedule, an insurer may challenge the reasonableness of a provider's billing on a case by case basis by asking the director to review the billing under OAR 436-009-0008. If the director determines the amount billed is unreasonable, the director may establish a different fee to be paid to the provider based on at least one of, but not limited to, the following: reasonableness, the usual fees of similar providers, the services provided in the specific case, fees for similar services in similar geographic regions, and any extenuating circumstances.

(2)(a) When using RBRVS, the RVU is determined by reference to the appropriate CPT® code. Where the procedure is performed inside the medical service provider's office, use Year 2006~~7~~ non-facility total column. Where the procedure is performed outside the medical service provider's office, use Year 2006~~7~~ facility total column. Use the global column to identify the follow up days when applicable. For all outpatient therapy services (physical therapy, occupational therapy, and speech language pathology), use the Year 2006~~7~~ non-facility total column. No other column applies.

(b) When an Oregon Specific Code is assigned, the RVU for multidisciplinary program services is found in OAR 436-009-0060(5), or for other services in OAR 436-009-0070 (12).

(c) When using the *American Society of Anesthesiologists Relative Value Guide*, a basic unit value is determined by reference to the appropriate Anesthesia code. The anesthesia value includes the basic unit value, time units, and modifying units.

(3) Payment according to the fee schedule shall be determined by multiplying the assigned RVU or basic unit value by the applicable conversion factor. Where the code is designated by an RVU of "0.00" or IC (individual consideration) for Anesthesia codes, the insurer shall pay at the provider's usual rate.

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

(4) The table below lists the conversion factors to be applied to services, assigned an RVU, rendered by all medical ~~professionals~~ providers.

Service Categories	Conversion Factors
Evaluation / Management	\$68.40 \$59.79
Anesthesiology	\$53.45
Surgery	\$93.66
Radiology	\$68.00
Lab & Pathology	\$60.00
Medicine	\$75.04
Physical Medicine and Rehabilitation	\$65.79
Multidisciplinary and Other Oregon-Specific Codes	\$60.00

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.248

Hist: Filed 5/27/99 as Admin. Order 99-057, eff. 7/1/99

Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00

Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01

Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02

Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03

Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04

Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05

Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0050 CPT® Sections

Each CPT® section has its own schedule of relative values, completely independent of and unrelated to any of the other sections. The definitions, descriptions, and guidelines found in CPT® shall be used as guides governing the descriptions of services, except as otherwise provided in these rules. The following provisions are in addition to those provided in each section of CPT®.

- (1) Evaluation and Management services.
- (2) Anesthesia services.

(a) In calculating the units of time, use 15 minutes per unit. If a medical provider bills for a portion of 15 minutes, round the time up to the next 15 minutes and pay one unit for the portion of time.

(b) Anesthesia basic unit values are to be used only when the anesthesia is personally administered by either a licensed physician or **certified** nurse anesthetist who remains in constant attendance during the procedure for the sole purpose of rendering such anesthesia service.

(c) When a regional anesthesia is administered by the attending surgeon, the value shall be the "basic" anesthesia value only without added value for time.

(d) When the surgeon or attending physician administers a local or regional block for anesthesia during a procedure, the modifier "NT" (no time) shall be noted on the bill.

(e) Local infiltration, digital block, or topical anesthesia administered by the operating

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

surgeon is included in the relative value unit for the surgical procedure.

(3) Surgery services.

(a) When a worker is scheduled for elective surgery, the pre-operative visit, in the hospital or elsewhere, necessary to examine the patient, complete the hospital records, and initiate the treatment program is included in the listed global value of the surgical procedure. If the procedure is not elective, the physician is entitled to payment for the initial evaluation of the worker in addition to the global fee for the surgical procedure(s) performed.

(b) When an additional surgical procedure(s) is carried out within the listed period of follow-up care for a previous surgery, the follow-up periods will continue concurrently to their normal terminations.

(c) Multiple surgical procedures performed at the same session shall be paid as follows:

(A) When multiple surgical procedures are performed by one surgeon, the principal procedure is paid at 100 percent of the maximum allowable fee, the secondary and all subsequent procedures are paid at 50 percent of the maximum allowable fee. A diagnostic arthroscopic procedure performed preliminary to an open operation, is considered a secondary procedure and paid accordingly.

(B) When multiple arthroscopic procedures are performed, the major procedure shall be paid at no more than 100 percent of the value listed in these rules and the subsequent procedures paid at 50 percent of the value listed.

(C) When more than one surgeon performs surgery, each procedure shall be billed separately. The maximum allowable fee for each procedure, as listed in these rules, shall be reduced by 25 percent. When the surgeons assist each other throughout the operation, each is entitled to an additional fee of 20 percent of the other surgeon's allowable fee as an assistant's fee. When the surgeons do not assist each other, and a third physician assists the surgeons, the third physician is entitled to the assistant's fee of 20 percent of the surgeons' allowable fees.

(D) When a surgeon performs surgery following severe trauma that requires considerable time, and the surgeon does not think the fees should be reduced under the multiple surgery rule, the surgeon may request special consideration by the insurer. Such a request must be accompanied by written documentation and justification. Based on the documentation, the insurer may pay for each procedure at 100 percent.

(E) When a surgical procedure is performed bilaterally, the modifier "-50" shall be noted on the bill for the second side, and paid at 50% of the fee allowed for the first side.

(d) Physician assistants or nurse practitioners shall be paid at the rate of 15 percent of the surgeon's allowable fee for the surgical procedure(s). The bills for services by these providers shall be marked with a modifier "-81." Chart notes shall document when medical services have been provided by a physician assistant or nurse practitioner.

(e) Other surgical assistants who are self-employed and work under the direct control and supervision of a physician shall be paid at the rate of 10 percent of the surgeon's allowable fee for the surgical procedure(s). The operation report shall document who assisted.

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

(4) Radiology services.

(a) In order to be paid, x-ray films must be of diagnostic quality and include a report of the findings. Billings for 14" x 36" lateral views shall not be paid.

(b) When multiple areas are examined by computerized axial tomography (CAT) scan, **computerized tomography angiography (CTA)**, magnetic resonance angiography (MRA), or magnetic resonance imaging (MRI), the **technical component for the** first area examined shall be paid at 100 percent, the second area at 50 percent, and the third and all subsequent areas at 25 percent **under** of these rules. **The discount applies to studies done on separate days, unless the ordering provider provides a reasonable explanation of why the studies needed to be done on separate days. No reduction is applied to multiple areas for the professional component.**

(5) Pathology and Laboratory services.

(a) The laboratory and pathology conversion factor applies only when there is direct physician involvement.

(b) Laboratory fees shall be billed in accordance with ORS 676.310. If any physician submits a bill for laboratory services that were performed in an independent laboratory, the bill shall show the amount charged by the laboratory and any service fee that the physician charges.

(6) Medicine services.

(7) Physical Medicine and Rehabilitation services.

(a) Increments of time for a time-based CPT[®] code shall not be prorated.

(b) Payment for modalities and therapeutic procedures shall be limited to a total of three separate CPT[®]-coded services per day. CPT[®] codes 97001, 97002, 97003, or 97004 are not subject to this limit. An additional unit of time (15 minute increment) for the same CPT[®] code is not counted as a separate code.

(c) All modality codes requiring constant attendance (97032, 97033, 97034, 97035, 97036, and 97039) are time-based. Chart notes must clearly indicate the time treatment begins and the time treatment ends for the day.

(d) CPT[®] codes 97010 through 97028 shall not be paid unless they are performed in conjunction with other procedures or modalities which require constant attendance or knowledge and skill of the licensed medical provider.

(e) When multiple treatments are provided simultaneously by a machine, device or table there shall be a notation on the bill that treatments were provided simultaneously by a machine, device or table and there shall be one charge.

Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.248
Hist: Filed 5/27/99 as Admin. Order 99-057, eff. 7/1/99
Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00
Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01
Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

436-009-0060 Oregon Specific Code, Multidisciplinary Services

(1) Services provided by multidisciplinary programs not otherwise described by CPT® codes shall be billed under Oregon Specific Codes. Electronic billings shall include a “zz” modifier as provided in OAR 436-009-0010.

(2) Treatment in a chronic pain management program, physical rehabilitation program, work hardening program, or a substance abuse program shall not be paid unless the program is accredited for that purpose by the Commission on Accreditation of Rehabilitation Facilities (CARF) or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(a) Organizations which have applied for CARF accreditation, but have not yet received such accreditation, may receive payment for multidisciplinary programs upon providing evidence to the insurer that an application for accreditation has been filed with and acknowledged by CARF. Such organizations may provide multidisciplinary services under this section for a period of up to 6 months from the date CARF provided notice to the organization that the accreditation process has been initiated, or until such time as CARF accreditation has been received or denied, whichever occurs first.

(b) Notwithstanding OAR 436-009-0010(4), program fees for services within a multidisciplinary program may be used based upon written pre-authorization from the insurer. Programs must identify the extent, frequency, and duration of services to be provided.

(c) All job site visits and ergonomic consultations must be preauthorized by the insurer.

(3) When an attending physician or authorized nurse practitioner approves a multidisciplinary treatment program for an injured worker, he or she must provide the insurer with a copy of the approved treatment program within 14 days of the beginning of the treatment program.

(4) Billings using the multidisciplinary codes must include copies of the treatment record which specifies the type of service rendered, the medical provider who provided the service, whether treatment was individualized or provided in a group session, and the amount of time treatment was rendered for each service billed.

(5) The table below lists the **Oregon Specific Codes for Multidisciplinary Services**.

Codes	Relative Value	Description
97642	0.91	Physical conditioning - group - 1 hour Conditioning exercises and activities, graded and progressive
97643	0.46	Each additional 30 minutes
97644	1.45	Physical conditioning – individual 1 hour Conditioning exercises and activities, graded and progressive
97645	0.73	Each additional 30 minutes
97646	0.91	Work simulation - group 1 hour Real or simulated work activities addressing productivity, safety,

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

		physical tolerance and work behaviors
97647	0.46	Each additional 30 minutes
97648	1.50	Work simulation - individual 1 hour Real or simulated work activities addressing productivity, safety, physical tolerance and work behaviors
97649	0.75	Each additional 30 minutes
97650	0.81	Therapeutic education – individual 30 minutes Medical, psychosocial, nutritional and vocational education dependent on needs and stated goals
97651	0.41	Each additional 15 minutes
97652	0.54	Therapeutic education - group 30 minutes Medical, psychosocial, nutritional and vocational education dependent on needs and stated goals
97653	0.28	Each additional 15 minutes
97654	0.41	Professional Case Management – Individual 15 minutes Evaluate and communicate progress, determine needs/services, coordinate counseling and crisis intervention dependent on needs and stated goals (other than done by physician)
97655	0.39	Brief Interdisciplinary Rehabilitation Conference - 10 minutes A decision-making body composed of each discipline essential to establishing and accomplishing goals, processes, time frames and expected benefits
97656	0.78	Intermediate Interdisciplinary Rehabilitation Conferences - 20 minutes A decision-making body composed of each discipline essential to establishing and accomplishing goals, processes, and time frames and expected benefits
97657	1.35	Complex Interdisciplinary Rehabilitation Conferences – 30 minutes A decision-making body composed of each discipline essential to establishing and accomplishing goals, processes, time frames and expected benefits
97658	0.68	Each additional 15 minutes Complex conference-up to 1 hour maximum
97659	1.72	Job site visit - 1 hour (includes travel) - must be preauthorized by insurer A work site visit to identify characteristics and physical demands of specific jobs

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

97660	0.86	Each additional 30 minutes
97661	2.32	Ergonomic consultation - 1 hour (includes travel) - must be preauthorized by insurer Work station evaluation to identify the ergonomic characteristics relative to the worker, including recommendations for modifications
97662	0.94	Vocational evaluation - 30 minutes Evaluation of work history, education and transferable skills coupled with physical limitations in relationship to return to work options
97663	0.47	Each additional 15 minutes
97664	1.27	Nursing evaluation - 30 minutes Nursing assessment of medical status and needs in relationship to rehabilitation
97665	0.63	Each additional 15 minutes
97666	1.02	Nutrition evaluation - 30 minutes Evaluation of eating habits, weight and required modifications in relationship to rehabilitation
97667	0.52	Each additional 15 minutes
97668	1.07	Social worker evaluation - 30 minutes Psychosocial evaluation to determine psychological strength and support system in relationship to successful outcome
97669	0.54	Each additional 15 minutes
97670	6.70	Initial Multidisciplinary conference - up to 30 minutes
97671	7.56	Initial Complex Multidisciplinary conference - up to 60 minutes

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.248
 Hist: Filed 5/26/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 12/12/03 as WCD Admin. Order 03-068, eff. 1/1/04 (Temporary)
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0070 Oregon Specific Code, Other Services

(1) Except for records required in OAR 436-009-0010(3), copies of requested medical records shall be paid under OSC-R0001. **Unless a provider can document payment difficulties with the insurer requesting the records, providers may not require prepayment by the insurer prior to releasing the records. If a provider can document payment difficulties with the insurer requesting the records, then the provider may require prepayment. "Payment difficulties" means payment not made according to the requirements of these rules,**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

including but not limited to, payment delayed beyond 45 days of billing, inappropriately reduced payment or non-payment.

(2) A brief narrative by the attending physician or authorized nurse practitioner, including a summary of treatment to date and current status, and, if requested, brief answers to one to five specific questions related to the attending physician's or authorized nurse practitioner's current or proposed treatment, shall be paid under OSC-N0001.

(3) A complex narrative by the attending physician or authorized nurse practitioner, may include past history, history of present illness, attending physician's or authorized nurse practitioner's treatment to date, current status, impairment, prognosis, and medically stationary information, shall be paid under OSC-N0002.

(4) Fees for a PCE and a WCE shall be based upon the type of evaluation requested. The description of each level of evaluation and the maximum allowable payment shall be as follows:

(a) **FIRST LEVEL PCE:** This is a limited evaluation primarily to measure musculoskeletal components of a specific body part. These components include such tests as active range of motion, motor power using the 5/5 scale, and sensation. This level requires not less than 45 minutes of actual patient contact. A first level PCE shall be paid under OSC-99196 which includes the evaluation and report. Additional 15-minute increments may be added if multiple body parts are reviewed and time exceeds 45 minutes. Each additional 15 minutes shall be paid under OSC-99193 which includes the evaluation and report.

(b) **SECOND LEVEL PCE:** This is a PCE to measure general residual functional capacity to perform work or provide other general evaluation information, including musculoskeletal evaluation. It may be used to establish Residual Functional Capacities for claim closure. This level requires not less than two hours of actual patient contact. The second level PCE shall be paid under OSC-99197 which includes the evaluation and report. Additional 15 minute increments may be added to measure additional body parts, to establish endurance and to project tolerances. Each additional 15 minutes shall be paid under OSC-99193 which includes the evaluation and report.

(c) **WCE:** This is a residual functional capacity evaluation which requires not less than 4 hours of actual patient contact. The evaluation may include a musculoskeletal evaluation for a single body part. A WCE shall be paid under OSC-99198 which includes the evaluation and report. Additional 15 minute increments (per additional body part) may be added to determine endurance (e.g. cardiovascular) or to project tolerances (e.g., repetitive motion). Each additional 15 minutes shall be paid under OSC-99193 which includes the evaluation and report. Special emphasis should be given to:

(A) The ability to perform essential physical functions of the job based on a specific job analysis as related to the accepted condition;

(B) The ability to sustain activity over time; and

(C) The reliability of the evaluation findings.

(5) When an attorney requires a consultation with a medical provider, the medical provider shall bill under OSC-D0001.

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

(6) The fee for a deposition shall be billed under OSC-D0002. This code should include time for preparation, travel and deposition. **Upon request of one of the parties, the director may limit p**Payment of the **provider's** hourly rate ~~may be limited to a customary fee charged by similar providers.~~

(a) Unless a provider can document payment difficulties with the insurer requesting the deposition, providers may not require prepayment by the insurer prior to attending the deposition. If a provider can document payment difficulties with the insurer requesting the deposition, then the provider may require prepayment. "Payment difficulties" includes, but is not limited to, payment not made in accordance with these rules, payment delayed beyond 45 days of billing, inappropriately reduced payment or non-payment, and late settlement of the case or cancellation of the deposition without adequate payment for the provider's time.

(b) When depositions are cancelled or rescheduled:

(A) Medical service providers shall be compensated for all time spent preparing for the case in addition to payment due under (B) of this subsection.

(B) When depositions are cancelled or rescheduled, medical service providers must be compensated as follows:

<u>Notice of cancellation or rescheduling</u>	<u>Percent of provider's usual fee to be paid for scheduled deposition and travel time</u>
<u>Less than 72 hours</u>	<u>100%</u>
<u>Less than six working days</u>	<u>75%</u>
<u>Less than ten working days</u>	<u>50%</u>
<u>Ten working days or more</u>	<u>0%</u>

(c) Billings must indicate late cancellation or late reschedule, and include documentation of scheduled preparation time, deposition time and travel time, as well as the provider's hourly rate.

(7) When an insurer obtains an Independent Medical Examination (IME):

(a) The medical service provider doing the IME shall bill under OSC-D0003. This code shall be used for a report, file review or examination;

(b) If the insurer asks the ~~attending physician~~**medical service provider** to review the IME report and respond, the ~~attending physician~~**medical service provider** shall bill for the time spent reviewing and responding using OSC-D0019. Billing should include documentation of time spent.

(8) The fee for interpretive services shall be billed under OSC-D0004. **The billing must include all of the following:**

(a)Documentation of actual time spent interpreting,

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

(b) The location of the interpretation.**(c) The name of the worker for whom interpretation services were provided, and****(d) The name of the person who requested the interpretation.**

(9) Fees for all arbiters and panel of arbiters used for director reviews pursuant to OAR 436-030-0165 shall be established by the director. This fee determination will be based on the complexity of the examination, the report requirements and the extent of the record review. The level of each category is determined by the director based on the individual complexities of each case as compared to the universe of claims in the medical arbiter process. When the examination is scheduled, the director shall notify the medical arbiter and the parties of the authorized fee for that medical arbiter review based on a combination of separate components.

- | | | |
|----|---------|----------------|
| a) | Level 1 | OSC-AR001 Exam |
| | Level 2 | OSC-AR002 Exam |
| | Level 3 | OSC-AR003 Exam |
| | Limited | OSC-AR004 Exam |

As determined by the director, a level 1 exam generally involves a basic medical exam with no complicating factors. A level 2 exam generally involves a moderately complex exam and may have complicating factors. A level 3 exam generally involves a very complex exam and may have several complicating factors. A limited exam generally involves a newly accepted condition, or some other partial exam.

- | | | |
|----|---------|------------------|
| b) | Level 1 | OSC-AR011 Report |
| | Level 2 | OSC-AR012 Report |
| | Level 3 | OSC-AR013 Report |

As determined by the director, a level 1 report generally includes standard questions. A level 2 report generally includes questions regarding complicating factors. A level 3 report generally includes questions regarding multiple complicating factors.

- | | | |
|----|---------|-----------------------|
| c) | Level 1 | OSC-AR021 File Review |
| | Level 2 | OSC-AR022 File Review |
| | Level 3 | OSC-AR023 File Review |
| | Level 4 | OSC-AR024 File Review |
| | Level 5 | OSC-AR025 File Review |

As determined by the director, a level 1 file review generally includes review of a limited record. A level 2 file review generally includes review of an average record. A level 3 file review generally includes review of a large record or disability evaluation without an exam. A level 4 file review generally includes an extensive record. A level 5 file review generally includes an extensive record with unique factors.

(d) The director will notify the medical arbiter and the insurer of the approved code for

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

each component to establish the total fee for the medical arbiter review. If a worker fails to appear for a medical arbiter examination without giving each medical arbiter at least 48 hours notice, each medical arbiter shall be paid at 50 percent of the examination or testing fee. A medical arbiter ~~may~~ **must** also ~~receive~~ **be paid** ~~payment~~ for **any** file review **completed prior to cancellation** ~~as determined by the director.~~

(e) If the director determines that a supplemental medical arbiter report is necessary to clarify information or address additional issues, an additional report fee may be established. The fee is based on the complexity of the supplemental report as determined by the director. The additional fees are established as follows:

Limited	OSC-AR031
Complex	OSC-AR032

(f) Prior to completion of the reconsideration process, the medical arbiter may request the director to redetermine the authorized fee by providing the director with rationale explaining why the physician believes the fee should be different than authorized.

(g) The director may authorize testing which shall be paid according to OAR 436-009.

(h) Should an advance of costs be necessary for the worker to attend a medical arbiter exam, a request for advancement shall be made in sufficient time to ensure a timely appearance. After receiving a request, the insurer must advance the costs in a manner sufficient to enable the worker to appear on time for the exam. If the insurer believes the request is unreasonable, the insurer shall contact the director in writing. If the director agrees the request is unreasonable, the insurer may decline to advance the costs. Otherwise, the advance must be made timely as required in this subsection.

(10) A single physician selected under ORS 656.327 or 656.260, to review treatment, perform reasonable and appropriate tests, or examine the worker, and submit a report to the director shall be paid at an hourly rate up to a maximum of 4 hours for record review and examination.

(a) The physician will be paid for preparation and submission of the report. Billings for services by a single physician shall be billed under OSC-P0001 for the examination and under OSC-P0003 for the report.

(b) Physicians selected under OAR 436-010-0008, to serve on a panel of physicians shall each receive payment based on an hourly rate up to a maximum of 4 hours for record review and panel examination. Each physician shall bill for the record review and panel examination under OSC-P0002. The panel member who prepares and submits the panel report shall receive an additional payment under OSC-P0003.

(c) The director may in a complex case requiring extensive review by a physician pre-authorize an additional fee. Complex case review shall be billed under OSC-P0004.

(d) If a worker fails to appear for a director required examination without providing the physician with at least 48 hours notice, each physician shall bill under OSC-P0005. **The insurer must pay the physician for the appointment time and any time spent reviewing the record completed prior to the examination time. The billing must document the physician's time**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES

spent reviewing the record.

(e) Should an advance of costs be necessary for the worker to attend an exam under ORS 656.327 or 656.260, a request for advancement shall be made in sufficient time to ensure a timely appearance. After receiving a request, the insurer must advance the costs in a manner sufficient to enable the worker to appear on time for the exam. If the insurer believes the request is unreasonable, the insurer shall contact the director in writing. If the director agrees the request is unreasonable, the insurer may decline to advance the costs. Otherwise, the advance must be made timely as required in this subsection.

(11) The fee for a Worker Requested Medical Examination shall be billed under OSC-W0001. This code shall be used for a report, file review, or examination.

(12) The table below lists the Oregon Specific Codes for Other Services.

Codes	Relative Value	Description
R0001		Copies of medical records when requested shall be paid at \$10.00 for the first page and \$.50 for each page thereafter and identified on billings
N0001	1.71	Brief narrative by the attending physician or authorized nurse practitioner
N0002	3.41	Complex narrative by the attending physician or authorized nurse practitioner
99196	3.00	First Level PCE
99197	5.36	Second Level PCE
99198	11.31	WCE
99193	0.77	Additional 15 minutes
D0001	0.00	Attorney consultation time
D0002	0.00	Deposition time
D0003	0.00	Independent Medical Examination (IME) and report
D0004	0.00	Interpretive services
D0019	0.00	Attending physician Medical service provider review and response to IME report
AR001	5.12	Level 1 arbiter exam
AR002	6.82	Level 2 arbiter exam
AR003	8.53	Level 3 arbiter exam
AR004	2.56	Level 4 arbiter exam
AR011	0.88	Level 1 arbiter report
AR012	1.32	Level 2 arbiter report
AR013	1.77	Level 3 arbiter report

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

AR021	0.88	Level 1 arbiter file review
AR022	2.21	Level 2 arbiter file review
AR023	5.30	Level 3 arbiter file review
AR024	10.23	Level 4 arbiter file review
AR025	13.65	Level 5 arbiter file review
AR031	0.88	Limited arbiter report
AR032	1.77	Complex arbiter report
P0001	4.27	Director single medical review/exam
P0002	4.27	Director panel medical review/exam
P0003	2.17	Director single medical review/report
P0004	5.12	Director complex case review/exam
P0005	2.17	Failure to appear director required examination
W0001	0.00	Worker Requested Medical Examination and report

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.248
 Hist: Filed 7/1/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00
 Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 12/12/03 as WCD Admin. Order 03-068, eff. 1/1/04 (Temporary)
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0080 Durable Medical Equipment and Medical Supplies

(1) Durable medical equipment (DME) is equipment that is primarily and customarily used to serve a medical purpose, can withstand repeated use, could normally be rented and used by successive patients, is appropriate for use in the home, and not generally useful to a person in the absence of an illness or injury. For example: Transcutaneous Electrical Nerve Stimulation (TENS), MicroCurrent Electrical Nerve Stimulation (MENS), home traction devices, heating pads, reusable hot/cold packs, etc. Fees for durable medical equipment shall be paid as follows:

(a) The insurer shall pay for the purchase of all compensable DME that are ordered and approved by the physician, at 85% of the manufacturer's suggested retail price (MSRP). If no MSRP is available **or the provider can demonstrate that 85% of the MSRP is less than 140% of the actual cost to the provider**, the insurer shall pay the provider 140% of the actual cost to the provider for the item as documented on a receipt of sale.

(b) The DME provider is entitled to payment for any labor and reasonable expenses directly related to any subsequent modifications other than those performed at the time of purchase, or repairs. A subsequent modification is one done other than as a part of the initial set-up at the time of purchase. The insurer shall pay for labor at the provider's usual rate.

(c) The provider may offer a service agreement at an additional cost.

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed **OREGON MEDICAL FEE AND PAYMENT RULES**

(d) Rental of all compensable DME shall be billed at the provider's usual rate. Within 90 days of the beginning of the rental, the insurer may purchase the DME or device at the fee provided in this rule, with a credit for rental paid up to 2 months.

(2) A prosthetic is an artificial substitute for a missing body part or any device aiding performance of a natural function. For example: hearing aids, eye glasses, crutches, wheelchairs, scooters, artificial limbs, etc. The insurer shall pay the fee for a prosthetic at the provider's usual rate.

(a) Testing for hearing aids must be done by a licensed audiologist or an otolaryngologist.

(b) Based on current technology, the preferred types of hearing aids for most workers are programmable BTE, ITE, and CIC multi channel. Any other types of hearing aids needed for medical conditions will be considered based on justification from the attending physician or authorized nurse practitioner.

(c) Without approval from the insurer or director, hearing aids should not exceed \$5000 for a pair of hearing aids, or \$2500 for a single hearing aid.

(3) An orthosis is an orthopedic appliance or apparatus used to support, align, prevent or correct deformities, or to improve the function of a moveable body part. For example: brace, splint, shoe insert or modification, etc. The insurer shall pay the fee for an orthosis at the provider's usual rate.

(4) Medical supplies are materials that may be reused multiple times by the same person, but a single supply is not intended to be used by more than one person, including, but not limited to incontinent pads, catheters, bandages, elastic stockings, irrigating kits, sheets, and bags. The insurer shall pay the fees for medical supplies at the provider's usual rate.

(5) The worker may select the service provider, except for claims enrolled in a managed care organization (MCO) where service providers are specified by the MCO contract.

(6) Except as provided in subsection (2)(c) of this rule, this rule does not apply to a worker's direct purchase of DME and medical supplies, and does not limit a worker's right to reimbursement for actual out-of-pocket expenses under OAR 436-009-0025.

(7) DME, medical supplies and other devices dispensed by a hospital (inpatient or outpatient) shall be billed and paid according to OAR 436-009-0020.

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.248
 Hist: (See Rule 0999, Admin. Order 99-053 (Temp), eff 3/31/99)
 Filed 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 3/8/01 as WCD Admin. Order 01-051, eff. 4/1/01
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 12/12/03 as WCD Admin. Order 03-068, eff. 1/1/04 (Temporary)
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0090 Pharmacy Fees

(1) Except for in-patient hospital charges, the insurer shall pay for pharmacy fees at the provider's usual rate or the maximum allowable fee established by this rule, whichever is the

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

lower.

(a) The Average Wholesale Price (AWP) effective on the day the drug was dispensed shall be used to determine the maximum allowable fee.

(b) The maximum allowable fee is determined as follows:

(A) For generic drugs and for brand name drugs without a generic equivalent, 88% of the AWP for the dispensed drug plus \$8.70 dispensing fee.

(B) For brand name drugs with a generic equivalent, if the prescribing medical service provider writes "Do not substitute" or a similar notation on the prescription, 88% of the AWP for the dispensed drug plus \$8.70 dispensing fee.

(C) For brand name drugs with a generic equivalent, if the prescribing medical service provider did not write "Do not substitute" or a similar notation on the prescription, the lower of 88% of the AWP for the dispensed drug plus \$8.70 dispensing fee, or 88% of the average AWP for the class of generic drugs plus \$8.70 dispensing fee, or, in the event that the pricing guides have not established an average AWP, 88% of the calculated average AWP of the generic drugs listed in the pricing guide plus \$8.70 dispensing fee.

(c) All providers who are licensed to dispense medications in accordance with their practice must be paid similarly regardless of profession.

(2) All prescription medications are required medical services and do not require prior approval under the palliative care provisions of OAR 436-010-0290.

(3) Under ORS 689.515(2) licensed providers may dispense generic drugs to injured workers.

(4) Payment for Oxycontin, and COX-2 inhibitors is limited to an initial five-day supply unless the prescribing medical service provider writes a clinical justification for prescribing that drug rather than a less costly drug with a similar therapeutic effect.

(a) The clinical justification may accompany the prescription and be submitted by the pharmacist or may be given directly to the insurer by the medical provider.

(b) Clinical justification means a written document from the medical service provider stating the reason he or she believes the drug ordered is the one the patient should have. The justification may be included on the prescription itself and may simply be a brief statement. Insurers and self-insured employers cannot challenge the adequacy of the clinical justification. However, they can challenge whether or not the medication is excessive, inappropriate, or ineffectual in accordance with ORS 656.327.

(c) An additional clinical justification is not necessary for refills of that medication.

(5) Insurers shall use the prescription pricing guide published by First DataBank Inc, Thomson Healthcare, Inc., or Facts & Comparisons (a Wolters Kluwer Health, Inc., Company) for calculating payments to the licensed provider. Insurers must update their source at least monthly.

(6) The worker may select the pharmacy, except for claims enrolled in a managed care

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
***Proposed* OREGON MEDICAL FEE AND PAYMENT RULES**

organization (MCO) where pharmacy service providers are specified by the MCO contract.

(7) Except for sections 2, 3, 4 and 6 of this rule, this rule does not apply to a worker's direct purchase of prescription medications, and does not limit a worker's right to reimbursement for actual out-of-pocket expenses under OAR 436-009-0025.

(8) The insurer shall pay the retail-based fee for over-the-counter medications.

(9) Drugs dispensed by a hospital (inpatient or outpatient) shall be billed and paid according to OAR 436-009-0020.

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.248
 Hist: Filed 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 3/8/01 as Admin. Order 01-051, eff. 4/1/01
 Amended 2/25/02 as WCD Admin. Order 02-052, eff. 4/1/02
 Amended 5/28/03 as WCD Admin. Order 03-055, eff. 7/1/03
 Amended 3/4/04 as WCD Admin. Order 04-054, eff. 4/1/04
 Amended 3/23/05 as WCD Admin. Order 05-051, eff. 4/1/05
 Amended 3/14/06 as WCD Admin Order 06-052, eff. 4/1/06

436-009-0100 Sanctions and Civil Penalties

The director may impose sanctions upon a medical provider or insurer for violation of OAR 436-009 in accordance with OAR 436-010-0340.

Stat. Auth.: ORS 656.726(4)
 Stats. Implemented: ORS 656.245, 656.254, 656.745
 Hist: Filed 5/3/96 as Admin. Order 96-059, eff. 6/1/96
 Amended 10-2-96 as Admin. Order 96-069, eff. 1-1-97
 Amended 4/3/98 as WCD Admin. Order 98-052, eff. 7/1/98
 Amended 5/27/99 as Admin. Order 99-057, eff. 7/1/99
 Amended 03/15/00 as Admin. Order 00-051, eff. 04/01/00

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

Appendix A 436-009-0030**RECORD LAYOUT FOR ELECTRONIC DATA TRANSMISSION**

DESCRIPTION	ALPHA NUMERIC	POSITION	LENGTH	REQUIREMENT
Insurer's WCD number	9	1	4	Required
Insurer's claim number	X	5	20	Required
Claimant's SSN	9	25	9	Required
Date of injury (YYYYMMDD)	9	34	8	Required
Medical-only or disabling (M or D)	X	42	1	Optional
Medical provider-type	X	43	2	Required
Medical provider specialty	X	45	3	Required
Medical provider FEIN	X	48	10	Required
Medical provider other Federal Tax Reporting ID number or UPIN	X	58	9	Optional
MCO number	X	67	6	Required
ICD-9-CM diagnosis code	X	73	6	Required
Secondary ICD-9-CM diagnosis code	X	79	6	Optional
Service, drug, or procedure code	X	85	11	Required
Modifier code	X	96	2	Required
Date of service (YYYYMMDD)	9	98	8	Required
Date of payment (YYYYMMDD)	9	106	8	Required
Charge amount sign	X	114	1	Required
Charge amount	9	115	6	Required
Payment amount sign	X	121	1	Required
Payment amount	9	122	6	Required
Number of units or services	9	128	2	Required

1. Refer to Bulletin 220 for additional special field reporting instructions.

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

Appendix A 436-009-0030**RECORD LAYOUT SPECIAL FIELD REQUIREMENTS**

DESCRIPTION	Special Field Requirements
Alpha Numeric (Table Column)	X = Character or alphanumeric data: No lower-case letters; fill empty spaces with blanks and left justify. 9 = Numeric data; right justify numbers including leading zeros; fill empty spaces with zeros.
Length (Table Column)	No compressed or packed fields.
Insurer's WCD number	Workers' Compensation Division insurer number National Association of Insurance Commissioners (NAIC) number, where applicable, is included for reference.
Date of injury (YYYYMMDD)	All dates in the form YYYYMMDD, for example, February 8, 2004 would appear as "20040208."
Medical provider-type	Use code from list of provider-type codes in this appendix.
Medical provider specialty	Use code from list of provider specialty codes in this appendix.
Medical provider FEIN	Use the federal employer identification number that is used for federal tax reporting purposes.
Medical provider other Federal Tax Reporting ID number or UPIN	Report the nine-digit other federal tax reporting identification number that is used for federal tax reporting purposes, or the Unique Provider Identification Number of the individual providing the medical service.
MCO number	See instructions in Bulletin 220.
ICD-9-CM diagnosis code	See instructions in Bulletin 220.
Secondary ICD-9-CM diagnosis code	See instructions in Bulletin 220.
Service, drug, or procedure code	See instructions in Bulletin 220.
Modifier code	Optional CPT [®] or HCPCS modifier codes are required when needed to report a modified service. Do not report physical status modifiers for anesthesia services. See instructions in Bulletin 220 for usage of adjustment modifiers "RF" and "DC" for adjustments. See instructions in Bulletin 220 for usage of modifiers "SG", "NT", "81", "50", and "zz".
Date of service (YYYYMMDD)	All dates in the form YYYYMMDD, for example, February 8, 2004 would appear as "20040208."
Date of payment (YYYYMMDD)	All dates in the form YYYYMMDD, for example, February 8, 2004 would appear as "20040208."
Charge amount sign	If this is a refund or other negative amount, put a minus-sign in this field, otherwise fill with a blank.
Charge amount	Rounded to the nearest whole dollar, for example, a \$300.05 payment would be shown as "000300."
Payment amount sign	If this is a refund or other negative amount, put a minus-sign in this field, otherwise fill with a blank.
Payment amount	Rounded to the nearest whole dollar, for example, a \$300.05 payment would be shown as "000300."
Number of units or services	See instructions in Bulletin 220.

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
Proposed OREGON MEDICAL FEE AND PAYMENT RULES**

Appendix A 436-009-0030**Data and Format Requirements:**

PROVIDER TYPES: Use the following codes to describe the type of medical provider:

TABLE OF MEDICAL PROVIDER-TYPE CODES	
PROVIDER DESCRIPTION	CODE
Acupuncturist	AC
Ambulatory Surgical Center	AS
Chiropractor	CH ₁
Dentist	DE
Home Health Care	HH
Hospital Inpatient	HI ₁
Hospital Outpatient	HO ₁
Laboratory	LA
Medical Doctor	MD ₁
Medical Supplies	MS
Naturopath	NA
Nursing Home	NH
Occupational Therapist	OT
Optometrist	OP
Osteopath	OS ₁
Pharmacy	PH
Physical Therapist	PT
Physician's Assistant	PA ₁
Podiatrist	PO
Psychologist	PS
Radiologist	RA
Registered Nurse Practitioner	NP ₁
Other Medical Provider	OM

1. ICD-9-CM diagnosis codes are required on records with these types.

PROVIDER SPECIALTY: If the medical provider-type is "MD", use the following codes to designate the medical provider specialty:

TABLE OF MEDICAL PROVIDER SPECIALTY CODES	
PROVIDER SPECIALTY	CODE
Anesthesiologist	ANE
Dermatologist	DER
Emergency Medicine	EMM
Family Practice	FPR
General Practice	GPR
General Surgeon	GSU
Internist ³	INT
Neurologist	NEU
Neurosurgeon	NSU
Occupational Medicine	OCC
Ophthalmologist	OPH
Oral Surgeon	OSU
Orthopedist/Orthosurgeon	ORS
Otolaryngologist	OTO
Pathologist	PTH
Physiatrist	PMR
Plastic Surgeon	PSU
Psychiatrist	PSY
Radiologist	RAD
Urologist	URO
Other Surgical/non-Surgical Specialists ₁	OTH
Unknown Specialist ₂	UNK

1. Indicates provider specialty does not fit any of the above categories.
2. Indicates provider specialty cannot be determined.
3. All internal medicine specialties.

