

Contract Stipulations for Negotiating Higher than the Fee Schedule in Workers Compensation

Senate Bill 50A, passed in the spring of 2003, cements the ability of physicians to negotiate reimbursement with Workers Compensation carriers higher than the statutorily imposed fee schedule floors. Those floors are 110% of Medicare for non-surgical procedures and 140% for surgical procedures.

The statutory language that provides the ability to negotiate is as follows:

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.-

(a)An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the agreed-upon contract price or the maximum reimbursement allowance in the appropriate schedule.

In allowing the ability to contract for higher reimbursement, the legislature provided some guidance as to why they were allowing the ability to negotiate. Physicians should consider the legislature's stipulations when you are negotiating with carriers.

The new statutory language states:

(14) PAYMENT OF MEDICAL FEES –

(b) Fees charged for remedial treatment, care, and attendance, except for independent medical examinations and consensus independent medical examinations, may not exceed the applicable fee schedules adopted under this chapter and department rule. Notwithstanding any other provision in this chapter, if a physician or health care provider specifically agrees in writing to follow identified procedures aimed at providing quality medical care to injured workers at reasonable costs, deviations from established fee schedules shall be permitted. Written agreements warranting deviations may include, but are not limited to, the timely scheduling of appointments for injured workers, participating in return-to-work programs with injured workers' employers, expediting the reporting of treatments provided to injured workers, and agreeing to continuing education, utilization review, quality assurance, precertification, and case management systems that are designed to provide needed treatment for injured workers.