

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

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**AGENCY:** Department of Labor and Training

**DIVISION:** Workers' Compensation

**RULE IDENTIFIER:** ERLID 8388

**REGULATION TITLE:** 2016 RI Workers Compensation Medical Fee Schedule

**RULEMAKING ACTION:** Direct Final

**Direct Final:** If no formal objection is received on or before **April 2, 2018**, the Department of Labor and Training will file the repeal without opportunity for public comment.

**TYPE OF FILING:** Repeal

**TIMETABLE FOR ACTION ON THE PROPOSED RULE:**

Public notice date of: March 2, 2018.

Comment period ends: April 2, 2018.

**SUMMARY OF PROPOSED RULE:** The purpose of this rulemaking action is to repeal the regulation, "2016 RI Workers Compensation Medical Fee Schedule" identified by ERLID 8388. Though labeled as a regulation, the Medical Fee Schedule is more properly identified as a form and is available on the Department's website.

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **April 2, 2018** to the addresses listed below.

**ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:**

**Mailing Address:** Sean M. Fontes, Executive Counsel, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920

**Email Address:** sean.fontes@dlt.ri.gov

**WHERE COMMENTS MAY BE INSPECTED:**

**Mailing Address:** Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI, 02920.

**FOR FUTURE INFORMATION CONTACT:**

Sean M. Fontes, Executive Counsel, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920, 462-8890, sean.fontes@dlt.ri.gov

**SUPPLEMENTARY INFORMATION:**

**Regulatory Analysis Summary and Supporting Documentation:**

This proposed repeal will result in little to no small business economic impact.

**Authority for This Rulemaking:** R.I. Gen. Laws § 42-35-1 (9)

**Regulatory Findings:**

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**The Proposed Repeal:**

The Department of Labor and Training proposes to repeal the rule as follows below:



~~Rhode Island Workers' Compensation Fee Schedule~~

~~**ANESTHESIA PAYMENT GUIDELINES**~~

~~Only a single payment for anesthetic services will be made for a single operative session. For example, there will be no additional payment made for the services of certified registered nurse anesthetist (CRNA) that may assist or participate with an anesthesiologist in a single operative session.~~

~~When anesthetic services are provided primarily by a CRNA, a payment will be made with the use of modifier NA. The CRNA shall be allowed 65% of the fee schedule allowance.~~

~~Payment for anesthesia services is based solely on a dollar conversion unit times the anesthesia value determined for each service rendered. The American Society of Anesthesiologists' Relative Value Guide should be referred to for guidelines and specific anesthesia determination. This guide can be obtained by contacting the American Society of Anesthesiologists at (847) 825-5586.~~

~~**DOLLAR CONVERSION UNITS**~~

~~The dollar conversion unit for anesthesia of \$60.11 is provided for the total zip code area. This conversion factor applies to CPT 4 codes 00100-01999. The appropriate amount will be applied to the anesthesia values as described below.~~

~~All anesthesia values are a sum of:~~

- ~~1) **Basic Value** (which relates to the complexity of the service); and~~
- ~~2) **Time Units**; and~~
- ~~3) **Modifying Units** (if any).~~

~~**Basic Value** (and the guidelines for determining Basic Value) for anesthesia can be found in the American Society of Anesthesiologists' Relative Value Guide. In the anesthesia section of the fee schedule rates, the column entitled "BAV" contains the basic values for these codes.~~

~~**Time Units** are added to the Basic Value at a rate of 1.0 unit for each 15 minutes, or fraction thereof, for each hour. Anesthesia time begins when the anesthesiologist begins to prepare the patient for anesthesia care in the operating room or an equivalent area and ends when the anesthesiologist is no longer in personal attendance (e.g. when the patient can be safely placed under customary post-operative supervision).~~

~~**Modifying Units** are added to the Basic Value and the Time Units to reflect unusual circumstances in the patient's physical status and in the type and intensity of services rendered. Refer to the American Society of Anesthesiologists Relative Value Guide for specific modifiers.~~

**Example:**

01382—Anesthesia for arthroscopic procedure of knee joint.

Conversion Unit	=	\$ 60.11
Basic Value	=	3
Time Units	=	8
Modifier	=	0
Anesthesia Fee	=	<del>\$661.21</del> $(60.11 \times 3) + (60.11 \times 8) + (60.11 \times 0) =$ \$661.21



**AMBULATORY SURGICAL CENTER AND LICENSED PHYSICIAN OFFICE SETTING PROVIDING SURGICAL TREATMENT FACILITY FEE WORKERS' COMPENSATION SCHEDULE**

NOTE: ~~————— This schedule does not apply to ambulatory surgery performed in a hospital.~~

Ambulatory Surgical Center and licensed physician office setting providing surgical treatment facility fees shall be paid per the following schedule:

**INSTRUCTIONS:**

- ~~1. Surgical procedure codes have been assigned a maximum facility fee rate which is indicated in the ASC rate column.~~
- ~~2. The following indicators are located in the "ASC Indicator" column. These indicators define services which are payable in an ASC setting:~~

<b>Indicator</b>	<b>Payment Indicator Definition</b>
<del>A2</del>	<del>Surgical procedure on ASC list in CY 2007; payment based on OPPS relative payment weight.</del>
<del>D5</del>	<del>Deleted/discontinued code; no payment made.</del>
<del>F4</del>	<del>Corneal tissue acquisition, hepatitis B vaccine; paid at reasonable cost.</del>
<del>G2</del>	<del>Non office based surgical procedure added in CY 2008 or later; payment based on OPPS relative payment weight.</del>
<del>H2</del>	<del>Brachytherapy source paid separately when provided integral to a surgical procedure on ASC list; payment based on OPPS rate.</del>
<del>J7</del>	<del>OPPS pass through device paid separately when provided integral to a surgical procedure on ASC list; payment contractor priced.</del>
<del>J8</del>	<del>Device intensive procedure; paid at adjusted rate.</del>
<del>K2</del>	<del>Drugs and biologicals paid separately when provided integral to a surgical procedure on ASC list; payment based on OPPS rate.</del>
<del>K7</del>	<del>Unclassified drugs and biologicals; payment contractor priced.</del>
<del>L1</del>	<del>Influenza vaccine; pneumococcal vaccine. Packaged item/service; no separate payment made.</del>
<del>L6</del>	<del>New Technology Intraocular Lens (NTIOL); special payment.</del>
<del>N1</del>	<del>Packaged service/item; no separate payment made.</del>
<del>P2</del>	<del>Office based surgical procedure added to ASC list in CY 2008 or later with MPFS nonfacility PE RVUs; payment based on OPPS relative payment weight.</del>



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<del>P3</del>	<del>Office-based surgical procedure added to ASC list in CY 2008 or later with MPFS nonfacility PE RVUs; payment based on MPFS nonfacility PE RVUs.</del>
<del>R2</del>	<del>Office-based surgical procedure added to ASC list in CY 2008 or later without MPFS nonfacility PE RVUs; payment based on OPFS relative payment weight.</del>
<del>Z2</del>	<del>Radiology service paid separately when provided integral to a surgical procedure on ASC list; payment based on OPFS relative payment weight.</del>
<del>Z3</del>	<del>Radiology service paid separately when provided integral to a surgical procedure on ASC list; payment based on MPFS nonfacility PE RVUs.</del>
<del>Excluded</del>	<del>Can't be performed in an ASC setting.</del>

~~3. The facility fee includes the following:~~

- ~~• The operating room.~~
- ~~• The usual and customary drugs and surgical supplies for the procedure.~~
- ~~• The recovery room.~~

~~4. The facility fee does not include the following:~~

- ~~• Surgeon and anesthesiologist charges.~~
- ~~• Extraordinary surgical supplies, prosthetics, implant devices or drugs. When billing for these supplies and drugs, the Surgical Center or Office Operator shall provide the payer with a copy of the invoice documenting the actual cost of these supplies and drugs. The payer shall reimburse the Surgical Center or Office Operator the cost of these supplies and drugs in addition to the facility fee.~~
- ~~• Services outlined per the definitions listed above as separately reimbursable.~~

~~5. Fee "Unbundling" and uniform definition for surgical procedures:~~

~~Procedures that are an integral part of the main operation should be considered as necessary adjuncts not separate entities. Surgical procedures shall be billed based upon uniform definitions found in the most current version of the National Correct Coding Initiative (NCCI) (The "Medicare global fee period" included in the definition will not be used). Further information on this publication is available at:~~

~~<http://www.cms.gov/NationalCorrectCodInitEd/>~~

~~The NCCI Edits Manual may also be obtained by purchasing the manual, or sections of the manual, from the National Technical Information Service (NTIS) by contacting NTIS at 1-800-363-2068 or 703-605-6060 or at <http://www.ntis.gov/products/cci.aspx>~~

~~6. Multiple Surgeries: Payment for multiple surgeries billed in accordance with the unbundling rule above will be as follows:~~

- ~~• 100% of the facility fee for the primary procedure~~
- ~~• 50% of the facility fee for the secondary procedure~~
- ~~• 30% of the facility fee for the third, fourth, or fifth procedures.~~



### ~~ASSISTANT SURGEON GUIDELINES~~

~~To determine the need for an assistant surgeon, CMS guidelines have been applied.~~

~~Assistant fees are not payable when the hospital provides intern or resident staff to assist at surgery.~~

~~The information contained in the column entitled "Asst Surg," provides an indicator for each surgical service how an assistant at surgery is paid.~~

~~0 = Payment restriction for assistants at surgery applies to this procedure unless supporting documentation is submitted to establish medical necessity.~~

~~1 = Statutory payment restriction for assistants at surgery applies to this procedure. Assistants at surgery may not be paid.~~

~~2 = Payment restriction for assistants at surgery does not apply to this procedure. Assistants at surgery may be paid.~~

~~An assistant surgeon shall be paid for any surgical procedures listed as "2" unless the physician agrees that an assistant surgeon is not necessary.~~

~~An assistant surgeon shall not be paid for any surgical procedure listed as "1" unless the insurer agrees that an assistant surgeon is necessary.~~

~~An assistant surgeon may be paid "BY REPORT" for any surgical procedure listed as "0".~~

~~A. In the case of elective surgery, a physician shall submit a request prior to surgery including specific statements of necessity of an assistant surgeon.~~

~~B. If an insurer intends to deny payment, a review must be performed by a physician.~~

~~C. The review should be completed as soon as possible, not to exceed fourteen (14) days after submission of request. Upon completion of review, if a denial is determined, the reviewer or insurer shall forward specific reasons for denial to the physician. Any continued disagreement will be determined by the Workers' Compensation Court.~~

~~D. Should an insurer choose to pay without this review, said payment should not be considered agreement of the need for an assistant surgeon. Insurers may use payment information regarding assistant surgeons to present a complaint of over utilization practices to the Medical Advisory Board under R. I.G.L. 28-30-22(e) (1).~~

~~A physician who assists at surgery shall be allowed 20% of the fee schedule allowance for the surgeon for any procedure(s) that would warrant an assistant surgeon. This fee shall only be paid to one primary assistant surgeon.~~



### **CASTING AND STRAPPING GUIDELINES**

- ~~1. The first cast or traction device is included in the cost of a surgical procedure. Surgical procedures include codes 20000-29999. The costs of materials are included in the service code and charges for codes 29000-29590 are disallowed.~~
- ~~2. The cost of materials for casting or strapping is billable when it is provided as an initial procedure in which no surgery is performed. In addition to the cost of materials, the appropriate level of office visit should be billed when no surgery is performed.~~
- ~~3. A charge for procedure codes 29000-29590 is allowed only when the casting or strapping is a replacement procedure used during the period of follow-up care. The charge for an office visit is allowed only if significant identifiable further services are provided at the time of the cast application or strapping.~~
- ~~4. Codes 29000-29590 include both the application and removal of the cast or strapping.~~
- ~~5. Codes 29700-29799 for cast removals are allowed only when the cast is applied by another physician. These codes are not applicable when the cast is removed by a different physician in the same group or facility.~~



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**CHIROPRACTIC**

**SERVICES** See "Manipulation Guidelines."





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**DISCLAIMER**

~~The Rhode Island Workers' Compensation rates contain codes that may or may not be related to a workers' compensation claim. Inclusion of a code in the fee schedule rates does not guarantee compensability of that service.~~



### Fee Schedule Database Fields

<b>COLUMN</b>	<b>DETAIL</b>
<b>Code:</b>	CPT 4 code or RI Fee Schedule Code. More detail on CPT 4 codes is available in the American Medical Association's 2012 Physicians' Current Procedural Terminology. The AMA can be reached at (800) 621-8335.
<b>BAV:</b>	The Basic Anesthesia Value for a procedure. This column is only populated in the anesthesia code section of the rates (00000—09999).
<b>Rate:</b>	The dollar value for the "Code" which includes both the professional and technical portions of the medical procedure. "BR" stands for a "By Report" procedure. These procedures are either too new to establish the rate or are generic codes that are used in rare and unusual situations. A "BR" needs to be given individual consideration when determining the reimbursement rate. A rate of \$0.00 indicates this code is not reimbursable separately.
<b>Modifier:</b>	The modifier column contains "NU" which is the purchase price, "RR" which is the rental cost or it has been left blank which also represents the purchase price.
<b>TC (27):</b>	The dollar value for the "Code" which reflects the technical portion of the medical procedure. These services should be billed with a "TC" modifier. A rate of \$0.00 indicates the technical portion of the "Code" is not reimbursable separately. This column is only populated in the radiology section of the rates (70000—79999).
<b>PC (26):</b>	The dollar value for the "Code" which reflects the professional portion of the medical procedure. These services should be billed with a "26" modifier. A rate of \$0.00 indicates the professional portion of the "Code" is not reimbursable separately. This column is only populated in the radiology section of the rates (70000—79999).
<b>Asst Surg:</b>	This column lists the appropriateness of an assistant surgeon being charged in addition to the primary physician by category. According to the Rhode Island Fee Schedule, the three possible categories each surgical procedure can fall into are 0, 1, 2 see the fee schedule rules for more detail. This column is only populated in the surgical code section of the rates (10000—69999). Any code not defined, with no "like" procedures to compare to, should follow (0) guidelines.
<b>ASC Ind:</b>	These indicators define services which are payable in an ASC setting:
<b>ASC:</b>	This column defines the ambulatory surgical procedure code payment. Each surgical code has been assigned a maximum facility fee. See the fee schedule rules for more detail. This column is only populated in the surgical code section of the rates (10000—69999).



**HEALTHCARE COMMON PROCEDURE CODING SYSTEM (HCPCS)**

The rate identified in the rate column is the purchase price of the item represented by the HCPCS code if the modifier next to it is NV or there is no modifier listed. The sum of payments for the respective item should not exceed the purchase price throughout the life of the claim. No additional payment should be allowed upon reaching the purchase amount as shown in the fee schedule. If there is a modifier of RR next to the code then the rate is the rental cost per unit. Rental costs per claim shall not exceed ten times the rental amount shown in the fee schedule.

Examples:

E0784	RR	\$452.11
E0785		\$434.85
E0786	NV	\$8,334.34

E0784 should never exceed \$4,521.10 per claim

E0785 should never exceed \$434.85 per claim

E0786 should never exceed \$8,334.34 per claim



**RHODE ISLAND WORKERS' COMPENSATION HOSPITAL RATES**

The inpatient, emergency room and ambulatory surgery adjustments to charges are effective for all hospital services provided on or after July 1, 2013.

HOSPITAL CHARGES SHOULD BE MULTIPLIED BY THE APPROPRIATE PERCENTAGE LISTED BELOW.

Example:	\$100.00	Butler Inpatient Charge
	x _____ 50.00%	Inpatient adjustments to charges
	\$ 50.00	Amount Paid

Hospital	Inpatient Adjustment to Charges	Ambulatory Surgery Adjustment to Charges	Emergency Room Adjustment to Charges
Butler Hospital	50.50%	N/A	N/A
Kent County Hospital	40.99%	32.86%	30.90%
Landmark Medical Center	35.99%	27.75%	34.72%
Memorial Hospital	58.10%	47.21%	80.50%
Miriam Hospital	39.54%	21.44%	20.43%
Newport Hospital	75.18%	41.81%	54.80%
Rhode Island Hospital	45.94%	44.89%	39.71%
Rehabilitation Hospital of RI	61.54%	N/A	N/A
Roger Williams Hospital	51.67%	38.47%	24.05%
St. Joseph Hospital	47.88%	41.37%	30.59%
South County Hospital	55.41%	31.62%	22.07%
Westerly Hospital	63.02%	32.27%	31.59%
Women & Infants Hospital	45.65%	44.34%	68.88%

Rates are based on approved cost finding methodology and other statistical data furnished by each hospital through the Hospital Association of Rhode Island for the period indicated.

All other outpatient services are subject to the rules and rates of the Rhode Island Workers' Compensation Fee Schedule.



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**INQUIRIES**

All questions and/or comments should be directed to Matt Carey at the Rhode Island Department of Labor and Training at (401) 462-8127 or by email at [mcarey@dlt.ri.gov](mailto:mcarey@dlt.ri.gov).



### **MANIPULATION GUIDELINES**

- ~~Manipulation codes include X7260 and X7261. (see last page(s) of codes for fees)~~
  - ~~X7260: Manipulation by physician, one area~~
  - ~~X7261: Manipulation by physician, each additional area~~
- ~~Chiropractic and Osteopathic manipulation codes were removed from the Rhode Island Worker's Compensation Fee Schedule.~~
- ~~Manipulation codes shall be billed only by physicians (i.e. medical doctors, chiropractors, and osteopaths).~~
- ~~A physician shall charge for either a manipulation procedure (X7260 – X7261) or an evaluation and management procedure on a single date of service.~~
- ~~Physician services shall not be coded using the physical therapy codes (X7001 – X7005). Those physical therapy codes shall be used to code for services provided by physical and occupational therapists and aides. Massage therapists shall also use these physical therapy codes.~~
- ~~A physician who is also a registered physical, occupational, or massage therapist shall charge for either: (a) a physical therapy procedure; (b) a manipulation; or (c) an evaluation and management procedure on a single date of service.~~



**MEDICAL SERVICE GUIDELINES (Codes 90000 — 96999)**

**PROFESSIONAL/TECHNICAL COMPONENT FEE**

~~Some medical procedures (90000 — 96999) may be divided into professional (26/PC) and technical (27/TC) portions and completed by separate parties. When applicable, the payment for codes 90000 — 96999 may be billed and reimbursed separately. Payment shall be made at 50% of the fee schedule allowance for the technical portion (TC/27) and at 50% of the fee schedule allowance for the professional portion (26/PC). Under no circumstance shall more than 100% of the fee schedule allowance be reimbursable in aggregate.~~

**CODES 90801 — 90915 ONLY**

~~The Department of Labor and Training has specified that when procedures defined under CPT 4 codes 90801 — 90915 (including biofeedback) are performed by a professional other than a medical doctor, the payment rates below will apply.~~

~~In order to distinguish the professional, a modifier should be used with the code at the time that claims are submitted. The specific modifier to be used for each professional is noted below.~~

<b>MEDICAL PROFESSIONAL</b>	<b>MODIFIER CODE</b>	<b>PAYMENT RATE (% OF FS AMOUNT)</b>
Medical Doctor	A	100%
Ph.D. or Psychologist	B	75%
Master Level Social Worker	C	50%
Masters Level Nurse	D	50%
Other Medical Specialist	E	50%



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**OUT OF STATE SERVICES**

~~Out of state medical services on a Rhode Island workers' compensation claim are subject to the Rhode Island Fee Schedule rules and rates. Should the state where the services are performed publish enforced state specific hospital or provider rates for worker's compensation, reimbursement may be made at these rates for Rhode Island workers' compensation claims.~~





## ~~PATHOLOGY AND LABORATORY GUIDELINES~~

### ~~AUTOMATED MULTI-CHANNEL TESTS~~

The following list contains examples of those tests that can be and are frequently done as groups and combinations (“profiles”) on automated multi-channel equipment. Groups of the tests listed here are distinguished from multiple tests performed individually for immediate or “stat” reporting.

~~Alanine aminotransferase (ALT/SGPT)  
Albumin  
Aspartate aminotransferase  
Bilirubin, direct  
Bilirubin, total  
Calcium  
Carbon dioxide content  
Chloride  
Cholesterol  
Creatinine  
Glucose  
Lactate dehydrogenase (LD)  
Phosphatase, alkaline  
Phosphorus (inorganic phosphate)  
Potassium  
Protein, total  
Sodium  
Urea Nitrogen (BUN)  
Uric Acid~~

### ~~PROFESSIONAL/TECHNICAL COMPONENT FEE~~

Most pathology and laboratory codes are automated and will not necessitate or warrant a separation of the technical and professional fees. When applicable, the payment for the professional (26/PC) and technical (27/TC) portions for codes 80000-89999 may be billed and reimbursed separately. Payment shall be made at 50% of the fee schedule allowance for the technical portion (TC/27) and at 50% of the fee schedule allowance for the professional portion (26/PC). Under no circumstance shall more than 100% of the fee schedule allowance be reimbursable in aggregate. Any laboratory or pathology charges performed in a hospital setting covered under a cost to charge ratio are assumed to be the full procedure and a separate professional component billing would not be allowable.



## **PHARMACY CHARGES GUIDELINES**

### **MEDICAL PROVIDER:**

Pharmaceuticals may be billed through a provider setting only if the provider administers the pharmaceutical (ex: injectables). These pharmaceuticals will be reimbursed at average wholesale price (AWP) acquired through any number of databases including but not limited to the Medispan database. Pharmaceuticals that have been provided as free samples to the medical provider can be given to the patient when appropriate, but these pharmaceuticals are not reimbursable separately.

### **HOSPITAL:**

The cost to charge ratio of the hospital should be applied where appropriate. When the hospital provides outpatient services that do not fall under the cost to charge ratio, they should be reimbursed according to the guidelines documented in the pharmacy section below.

### **PHARMACY:**

All pharmaceutical billing should include the appropriate National Drug Code for the drugs supplied and the exact quantities supplied. If a drug has been compounded, the pharmacy shall supply sufficient detail on their billing which specifies each of the compound ingredients by NDC and corresponding quantity. IF a compound medication is formulated using a drug product which was repackaged, reimbursement shall be based upon the NDC of the underlying drug, as published by the original manufacturer. The pharmacy should be reimbursed at a mark up over the cost of the drugs. Drugs shall be reimbursed at up to 90% of the AWP. The AWP can be acquired through any number of databases including, but not limited to, the Medispan database. If there is a dispute regarding the AWP allowance, the pharmacy can send the actual invoice for the supply. In these situations, the pharmacy will be reimbursed at up to 90% of the actual cost of the drugs provided to the patient. If the pharmacy is unable to determine the actual cost of the drugs, the payer has the right to research other pharmacies to find the market value of that drug and to negotiate a reasonable and customary rate with the provider.

### **MAIL ORDER:**

Mail order pharmaceuticals are subject to the Pharmacy guidelines documented above.



## **PHYSICAL THERAPY & OCCUPATIONAL THERAPY EVALUATIONS & SERVICES**

~~Most of the Physical Medicine codes have been deleted from the fee schedule. These modalities and procedures have been replaced by two levels of evaluation services and three levels of treatment services. These services are defined in detail below.~~

~~Codes (X7001–X7005) shall be used to code for services provided by physical and occupational therapists and aides. Massage therapists shall also use these physical therapy codes.~~

~~The following physical therapy codes are all inclusive.~~

### ~~X7001: Comprehensive Evaluation~~

~~Key items would include:~~

- ~~• A detailed history~~
- ~~• A detailed examination~~
- ~~• A medical/rehabilitation decision making of low to moderate complexity.~~
- ~~• Documentation of a detailed evaluation, establishment of problem list, treatment goals, and a detailed treatment plan.~~
- ~~• Only appropriate for an initial patient examination~~

~~Contributory items would include:~~

- ~~• Case management and coordination of care with other providers or agencies consistent with the nature of the problem.~~
- ~~• Usually, the presenting problems are of moderate severity.~~

### ~~X7002: Limited Evaluation~~

~~Key items would include:~~

- ~~• Established patient reassessment or a new patient with a limited (or focused) problem.~~
- ~~• A problem focused history~~
- ~~• A problem focused examination~~
- ~~• Straight forward decision making~~
- ~~• Documentation of a problem focused evaluation, establishment of problem list, treatment goals, and a detailed treatment plan.~~

~~Contributory items would include:~~

- ~~• Case management and coordination of care with other providers or agencies consistent with the nature of the problem.~~
- ~~• Usually, the problems are focused and of a low to moderate severity.~~

### ~~X7003: Comprehensive Treatment~~

~~Key factors:~~

- ~~• Face to face patient interaction for prolonged periods for the purpose of providing hands on care, (excluding the application of passive modalities), creating or changing exercise programs, etc.~~
- ~~• Initial instruction or extensive rehab on isokinetic or strengthening equipment (capital equipment vs. hand held or cuff weights).~~
- ~~• Face to face interaction with patient for the purposes of education, addressing patient concerns, discussion of rehab program progression, work status, etc.~~



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~~Contributory factors:~~

- ~~• Patient injuries and problems are usually complex, requiring nearly all interactions to be done 1:1 basis.~~
- ~~• There is often a need for frequent rehab decisions (judgments) during the treatment sessions.~~
- ~~• Treatment sessions will be for a minimum of 45 minutes.~~
- ~~• Case management consistent with the severity of the problems.~~

~~X7004: Expanded Treatment~~

~~Key factors:~~

- ~~• Face to face patient interactions for moderate periods of time for the purpose of providing hands on care, (excluding the application of passive modalities), creating or modifying exercise programs, etc.~~
- ~~• Rehab using isokinetic or strengthening equipment (capital equipment vs. hand-held or cuff weights).~~
- ~~• Occasional (or less frequent) face to face interactions with patient for the purposes of education, program progression, discussion, work status, etc.~~

~~Contributory factors:~~

- ~~• Patient has less complex injuries or injuries that have begun to resolve.~~
- ~~• Treatment sessions will be for a minimum of 30 minutes.~~
- ~~• Case management consistent with the severity of the problems.~~

~~X7005: Limited Treatment~~

~~Key factors:~~

- ~~• Face to face patient interactions for short periods of time for the purpose of providing focused treatment, modifying an established exercise program, or the application of a modality.~~
- ~~• **Note:** Length of time the modality is used, example 30 min. ultrasound, does not add to the total treatment time or the complexity level of the treatment.~~
- ~~• Rehab with or without the use of non-capital equipment (e.g. theraband, hand-held weights, etc.)~~

~~Contributory factors:~~

- ~~• Patient problem is usually focused.~~
- ~~• Case management as needed.~~



## ~~PHYSICIAN ASSISTANT, REGISTERED NURSE FIRST ASSISTANT AND NURSE PRACTITIONER GUIDELINES~~

~~Physician Assistants, Registered Nurse First Assistants and Nurse Practitioners may not bill for services in hospital inpatient, emergency room, and ambulatory surgery settings if the costs associated with those providers have been included in the costs that were used to determine the inpatient, emergency room, and ambulatory surgery Workers' Compensation hospital reimbursement rates.~~

### ~~EVALUATION AND MANAGEMENT SERVICES~~

~~A physician assistant or nurse practitioner shall be allowed 80% of the fee schedule allowance for evaluation and management services provided a signed report details the findings of the exam. The CPT level billed must be supported by the signed report.~~

### ~~ASSISTANT SURGEON~~

~~A physician assistant or registered nurse first assistant who assists at surgery shall be allowed 80% of 20% (16%) of the fee schedule allowance for the procedure(s). A fee for assistant surgeon shall only be paid to one primary assistant surgeon.~~

### ~~OTHER SERVICES~~

~~A physician assistant or nurse practitioner shall be allowed 80% of the fee schedule allowance for any other services performed within their license or certification.~~

### ~~MODIFIERS~~

~~When billing for services provided by a physician assistant, use the modifier PA.~~

~~When billing for services provided by a registered nurse first assistant, use modifier FA.~~

~~When billing for services provided by a nurse practitioner, use the modifier NP.~~



## **RADIOLOGY GUIDELINES**

### **A. PROFESSIONAL/TECHNICAL COMPONENT FEE**

- ~~1. A professional component fee (PC/26) and a technical component fee (TC/27) shall only be payable once for any radiological procedure. A physician will not be paid for a consultative interpretation.~~
- ~~2. When applicable, the payment for the professional (26/PC) and technical (27/TC) portions for codes 70000-79999 may be billed and reimbursed separately. Payment shall be made according to the rates in the TC And PC columns of the Rhodes Island Fee Schedule. Under no circumstance shall more than 100% of the fee schedule allowance be reimbursable in aggregate. Any radiology charges performed in a hospital setting covered under a cost to charge ratio are assumed to be the full procedure and a separate professional component billing would not be allowable unless clearly documented by the hospital and unless separation of professional billing was standard hospital practice at the time of the cost to charge reimbursement rate determination.~~

### **B. DUPLICATION OF X-RAYS**

- ~~1. Every attempt should be made to minimize the number of x rays taken. The attending doctor or other person or institution having possession of x rays which pertain to the patient that are deemed to be needed for diagnostic or treatment purposes shall make these x-rays available upon request.~~
- ~~2. The insurer or employer shall reimburse a physician or facility a reasonable fee to be set by the Department of Labor for providing a copy of the x ray. The current maximum rate to be billed is \$19.61 per x ray copy.~~



## ~~SCARRING, LOSS OF USE, AND MAXIMUM MEDICAL IMPROVEMENT (MMI) EXAM GUIDELINES~~

The following codes are to be used in lieu of Evaluation and Management codes for the specific workers' compensation examination and reporting functions listed below. These services are defined in detail below:

### ~~X9001 — End Result Exam~~

~~Purpose: To Determine if scar(s) have reached an end result.~~

- ~~• This exam should generally be performed by the treating physician and should not be charged with an Evaluation and Management Code on a single date of service.~~
- ~~• Examine scar and provide a written determination as to whether the healing has reached an end point.~~

### ~~X9002 — Loss of Use Exam~~

- ~~• This exam should generally be performed by the treating physician and should not be charged with an Evaluation and Management Code on a single date of service.~~
- ~~• Exam Requires:
  - ~~1. Maximum Medical Improvement (MMI) determination. If patient not at MMI no Loss of Use Report is allowed.~~
  - ~~2. Loss of use rating in accordance with X9003.~~~~

### ~~X9003 — Loss of Use Report~~

- ~~• To be completed if patient determined to be at Maximum Medical Improvement after an X9002 loss of use exam.~~
- ~~• Impairment rating should be based on loss of function of an extremity.~~
- ~~• Report must include:
  - ~~○ Narrative History~~
  - ~~○ Current clinical status, i.e.; MMI~~
  - ~~○ Diagnostic study results~~
  - ~~○ Diagnosis~~
  - ~~○ Calculation of Impairment Rating:
    - ~~1) Compare the medical findings with the impairment criteria listed within the *AMA Guides to the Value of Permanent Impairment* and calculate the appropriate impairment rating. Discuss how specific findings relate to and compare with the criteria described in the applicable *Guides* chapter. Refer to and explain the absence of any pertinent data and how the physician determined the impairment rating with limited data.~~
    - ~~2) Discuss how the Impairment Rating was calculated:
      - ~~a) Include an explanation of each impairment value with reference to the applicable criteria of the *Guides*. Combine multiple impairments for an extremity impairment.~~
      - ~~b) Include a summary list of impairments and impairment ratings by percentage, including calculation of the extremity impairment.~~~~~~~~

## ~~MULTIPLE EXAMS — SCARRING, LOSS OF USE, AND MMI~~

~~Whenever possible, these exams should be performed and reported in one office visit and for one charge. If for some reason these reports require more than one exam, the following rules shall apply.~~



Rhode Island Workers' Compensation Fee Schedule

~~Payment for multiple exams same anatomical site:~~

- ~~• 100% payment for first exam~~
- ~~• No payment for additional exams or reports~~

~~Payment for multiple exams different anatomical sites:~~

- ~~• 100% payment for first exam and report~~
- ~~• 50% payment for second exam and report~~
- ~~• No payment for additional exams or reports~~





## **SURGICAL GUIDELINES**

### **INCLUSIVE SURGICAL POLICY**

- ~~The maximum reimbursement for a pre-operative surgical visit for an established patient shall be \$93.52. The CPT level of service must be supported by office notes.~~
- ~~The surgical procedure itself.~~
- ~~Local anesthesia, such as infiltration, digital or topical anesthesia. (For regional anesthesia — modifier codes should be used by the physician in accordance with CPT rules.)~~
- ~~In patient hospital visits. When extenuating circumstances require a patient to remain hospitalized beyond a standard length of stay, charges for in patient hospital visits may be submitted for individual consideration.~~
- ~~First routine post-operative office visit.~~

### **FEE “UNBUNDLING” AND UNIFORM DEFINITION FOR SURGICAL PROCEDURES**

~~Procedures that are an integral part of the main operation should be considered as necessary adjuncts not separate entities. Surgical procedures shall be billed based upon uniform definitions, rules and guidelines found in the most current version of the National Correct Coding Initiative (NCCI) (The “Medicare global fee period” included in the definition will not be used). Further information on this publication is available at:~~

~~<http://www.cms.gov/NationalCorrectCodInitEd/>~~

~~The NCCI Edits Manual may also be obtained by purchasing the manual, or sections of the manual, from the National Technical Information Service (NTIS) by contacting NTIS at 1-800-363-2068 or 703-605-6060 or at <http://www.ntis.gov/products/cci.aspx>~~

### **MULTIPLE SURGERIES**

~~Payment for multiple surgeries — same incision and/or anatomical site, billed in accordance with the unbundling rule above, will be as follows:~~

- ~~100% of the practitioner payment amount for the primary procedure~~
- ~~50% of the practitioner payment amount for the secondary procedure~~
- ~~30% of the practitioner payment amount for the third, fourth, or fifth procedures.~~

~~Payment for multiple surgeries — different incision and/or anatomical site, billed in accordance with the unbundling rule above, will be as follows:~~

- ~~100% of the practitioner payment amount for the primary procedure~~
- ~~50% of the practitioner payment amount for the second, third, fourth, or fifth procedures.~~

~~The above multiple surgeries rule shall not apply to an emergency surgery. Emergency surgery is surgery that is generally performed within twenty four (24) hours of a traumatic injury. Charges for an emergency surgery shall be submitted for individual consideration. Emergency surgery is subject to the above inclusive surgical policy and fee unbundling and uniform definition for surgical procedures.~~



## **VOCATIONAL REHABILITATION INITIAL EVALUATION**

The following codes are to be used for charging for vocational Evaluation and Management services. These services are defined in detail below:

### **~~XV001~~ — ~~Limited Initial Vocational Evaluation~~**

Key Factors:

- ~~• Review of injured workers' medical records~~
- ~~• Scheduling of injured workers' initial evaluation with the vocational rehabilitation counselor~~
- ~~• Face to face initial vocational interview~~
- ~~• Initial vocational rehabilitation report with recommendations based upon hierarchy of vocational rehabilitation~~

Contributory items would include:

- ~~• Injured worker has limited work history~~
- ~~• Clearly defined transferable skills~~
- ~~• Physical restrictions defined by medical providers are of low severity~~

### **~~XV002~~ — ~~Expanded Initial Vocational Evaluation~~**

- ~~• Review of injured workers' medical records~~
- ~~• Scheduling of injured workers' initial evaluation with the vocational rehabilitation counselor~~
- ~~• Face to face initial vocational interview~~
- ~~• Transferable skills analysis completed~~
- ~~• Initial vocational rehabilitation report with recommendations based upon hierarchy of vocational rehabilitation~~

Contributory items would include:

- ~~• Injured worker has a moderate work history~~
- ~~• Minimally defined transferable skills~~
- ~~• Physical restrictions defined by medical providers are moderate~~

### **~~XV003~~ — ~~Comprehensive Initial Evaluation~~**

- ~~• Review of injured workers' medical records~~
- ~~• Scheduling of injured workers' initial evaluation with the vocational rehabilitation counselor~~
- ~~• Extended initial vocational interview~~
- ~~• Transferable skills analysis completed~~
- ~~• Initial vocational rehabilitation report with recommendations based upon hierarchy of vocational rehabilitation~~

Contributory items would include:

- ~~• Injured worker has a complex work history~~
- ~~• No clearly defined transferable skills~~
- ~~• Physical restrictions defined by medical providers are complex~~



## **WORK HARDENING AND FUNCTIONAL CAPACITY EXAM GUIDELINES**

~~Work hardening/Work Conditioning requests and treatments shall conform to the Medical Advisory Board Work Hardening Protocols.~~

~~The Work Hardening/Conditioning codes and fees are:~~

- ~~● 97545 initial 2 hours \$145.00~~
- ~~□ 97546 each additional hour \$72.50~~

~~The Functional Capacity Exam code and fee is:~~

- ~~□ 97750 with written report and maximum of 4 hours, each 15 minutes \$40.00~~

~~X9004 – STATEMENT OF CAUSAL RELATIONSHIP~~

~~-Treating physicians should include comments regarding injuries being work related in office notes.~~

~~-A statement relative to causal relationship shall be completed by the treating physician when requested by the employee or his/her attorney in situations where such an opinion was not apparent from the initial history given.~~

~~-The fee for a causal relationship narrative will be paid for by the party requesting the report.~~

Fee: \$200.00