



NEWSLINE

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DWC Issues Notice of Public Hearing on December 14 for Proposed Regulations Revising the Medical-Legal Fee Schedule

The Division of Workers' Compensation (DWC) has issued a notice of public hearing for the amendment of the Medical-Legal Fee Schedule (MLFS), which can be found at California Code of Regulations, title 8, sections 9793-9795.

The public hearing will be held via Zoom on Monday, December 14, 2020 at 10 a.m. Options for participation are at the bottom of this notice.

The proposed amendments to the medical-legal fee schedule include, but are not limited to, the following:

- A 25% increase in the multiplier used for setting fees for evaluations.
- Standardization of the fee that can be charged for a missed appointment.
- Flat fees for comprehensive, follow-up, and supplemental medical-legal evaluations.
- A single rate for review of medical records based upon the amount of pages reviewed.
- A meet and confer requirement for records sent to the physician.
- Elimination of complexity factors from the Medical-Legal Fee Schedule.
- An increased modifier for reports dealing with psychiatric issues.
- An increase in the hourly fee for medical-legal testimony.

The implementation of a predominantly fixed fee for all procedure billing codes is anticipated to reduce frictional costs. Moving to a flat-fee-based schedule and removing complexity factors is contemplated to reduce the incidence of disputes over billing.

The fee schedule was formulated after multiple stakeholder meetings where carriers, employers, physicians, and medical management companies were able to provide input. In addition, the proposed regulations were revised after review of the results of a 15-day comment period from a prior forum posting of the proposed regulations. The notice and text of regulations can be found at the [proposed regulations page](https://www.dir.ca.gov/DIRNews/2020/2020-93.html).

The proposed amendment to revise the Medical-Legal Fee Schedule is exempt from the rulemaking provisions of the Administrative Procedure Act. However, DWC is required under Labor Code sections 5307.3 and 5307.4 to have a 30-day public comment period, hold a public hearing, respond to all the comments received during the public comment period and publish the order adopting the new regulations online.

Members of the public may attend the public meeting as follows:

Computer:	Join from PC, Mac, Linux, iOS or Android: https://dir-ca-gov.zoom.us/j/92474087436
Or Telephone— Dial options:	+1 253 215 8782 +1 301 715 8592 +1 312 626 6799 +1 346 248 7799 +1 669 900 6833 +1 929 205 6099 USA 1 (866) 434-5269 (US Toll Free) - Conference code: 956474
Find local AT&T Numbers:	https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=2532158782&accessCode=956474

Members of the public may review and comment on the [proposed regulations](#) no later than December 15, 2020.

The California Department of Industrial Relations, established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the Labor & Workforce Development Agency. For general inquiries, contact DIR's Communications Call Center at 844-LABOR-DIR (844-522-6734) for help in locating the appropriate division or program in our department.