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## N E W S L I N E

**Newsline No.:** 2021-35

**Date:** March 30, 2021

### **OAL Approves Medical-Legal Fee Schedule Regulations Effective April 1**

The Division of Workers' Compensation (DWC) has received notification from the Office of Administrative Law (OAL) that the final version of the proposed Medical-Legal Fee Schedule (MLFS) was forwarded on March 30, 2021 to the office of the Secretary of State for filing and printing. This action represents official adoption of the new fee schedule, which has an effective date of April 1, 2021. All medical-legal evaluations that occur on or after April 1, 2021 will be subject to the new MLFS.

DWC has posted on its [website](#) the final rulemaking documents filed with OAL. The documents include the final text of the new MLFS.

The MLFS provides that a declaration to the physician accounting for the records that were provided is required by the proposed regulations for evaluations that occur on or after April 1, 2021. The language states: "Any documents sent to the physician for record review must be accompanied by a declaration under penalty of perjury that the provider of the documents has complied with the provisions of Labor Code section 4062.3 before providing the documents to the physician. The declaration must also contain an attestation as to the total page count of the documents provided. A physician may not bill for review of documents that are not provided with this accompanying required declaration from the document provider. Any documents or records that are sent to the physician without the required declaration and attestation shall not be considered available to the physician or received by the physician for purposes of any regulatory or statutory duty of the physician regarding records and report writing."

DWC realizes that there are Qualified Medical Evaluator (QME) evaluations currently scheduled for April that may not comply with the provisions of the attestation requirement for medical records under the new Medical-Legal Fee Schedule. The

parties to these evaluations should communicate with each other to reach agreement on the handling of these evaluations.

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