

Getting Paid under the California Workers' Compensation System Medical Legal Evaluations

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Six steps to collection

1. Carrier is required to pay or contest the Medical-Legal billing within 60 days of the date that they receive the report, bill, and proof of service.
2. Failure to pay within 60 days result in a 10% penalty and 7% per year interest charge.
3. It is inappropriate for the carrier to deny completely the claim and “zero out” the entire charge for requested Medical-Legal evaluation.
4. Carrier denials of Medical-Legal billings which are not valid:
 - a. Injury is denied
 - b. The doctor is not in the medical provider network
 - c. The services were not authorized
 - d. The case has been adjudicated and non-compensable
5. Physician remedy – file a Physician Request for Second Bill Review (PRsBR) and objection letter (sample letter attached.)

Must be filed within 90 days of receipt of the Explanation of Review –include date of the EOR, claim number, name of the party requesting the service, service and amount billed that is in dispute, and any other information why the bill was not paid correctly. The objection should include a copy of the Medical-Legal report previously submitted. The objection letter and PRsBR should be served on all parties.
6. If request for Second Bill Review and Objection Letter is not filed within 90 days of receipt of the denial, the QME/AME loses their ability to object and carrier/employer has no obligation to pay the billing.

If carrier/employer does not respond within 14 days of receipt of the PRsBR/objection letter, the provider is no longer obligated to take the dispute to Independent Bill Review (IBR). Because the payor had not complied with their statutory deadlines, you can have the dispute resolved by the Workers' Compensation Appeals Board (WCAB) under Dubon II. The WCAB typically awards the provider the full amount billed and penalties, interest, and costs, which includes the attorney fees.

SAMPLE PROVIDER OBJECTION LETTER

XYZ Insurance Company
ATTN; Adjuster W.E. Dontpay
PO Box XXXX
XXXX,

RE:
EAMS:
CLAIM:

Dear Mr. Dontpay:

Dr. Jones evaluated the above noted applicant on date in the capacity of an agreed / qualified medical examiner. The properly documented bill and report was timely served on all parties on date. Pursuant to Labor Code §4622, payment for all medical-legal expenses is due within 60 days. Payment of this bill for the agreed / qualified medical examination was due on date.

We have received neither payment, nor objection, in response to our bill for medical-legal services which you have now had for days.

This letter will serve as our formal objection to your failure to pay our properly documented bill which was properly served on your office. This correspondence objects to the non-payment and your failure to comply with Labor Code §4622 and Title 8, CA Code of Regulations, §10451.1. Please comply with those sections forthwith.

We request that this bill be paid in full immediately along with a ten percent penalty and seven percent interest. Thank you for your anticipated cooperation.

Sincerely,

XXXXXX

Enclosures: QME/AME report dated xxx
Notice of QME/AME dated xxx
QME/AME bill dated xxx
Proof of Service dated xxx (original proof of service on bill and report)
Proof of Service dated xxx (date of objection letter)

CC: Defense Attorney
Applicant Attorney
Insurance Company