



State of New Mexico
WORKERS' COMPENSATION ADMINISTRATION

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GOVERNOR

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DIRECTOR

Response to Public Comment

2023 WCA Health Care Provider Fee Schedule and Billing Instructions (HCP Fee Schedule)

The proposed changes to the 2023 HCP Fee Schedule were released for public comment on October 12, 2022. The public comment period was from October 12, 2022, through November 14, 2022. A public hearing was held on November 3, 2022. All comments were taken into consideration.

The WCA received a public comment recommending the addition of an untimely filing Explanation of Benefit (EOB) denial code.

Response: The WCA has opted not to adopt the recommendation. Rule changes to NMAC 11.4.8.7 regarding untimely filing are still being considered at this time. Adoption of changes require additional public comment review and consideration before implementation.

The WCA received a public comment recommending HCP Impairment Ratings be billed using physician/non-treating physician flat rate Current Procedural Technology (CPT) codes of 99455 and 99456 along with timed record review rates.

Response: Last year, a similar comment was received and the WCA decided to not adopt that recommendation as it was not part of the proposed 2022 HCP Fee Schedule and implementing it would have required a new proposed fee schedule and public comment period. The WCA also wanted to conduct research of other states for impairment rating fees, including those states that may be using flat rates, for consideration in contemplated future changes to fee schedule methodology. This year, the WCA has opted not to adopt the current recommendation upon applying the current HCP Fee Schedule methodology set forth in the director's HCP fee schedule order, issued pursuant to Section 52-4-5(A) NMSA 1978. The methodology requires the calculation of the 60th and 80th percentile of nearby state's rates before assigning a Maximum Allowable Payment (MAP) to a CPT code. At this time, there is insufficient data present to calculate a flat rate within the 60th and 80th percentile. Nearby states' rates, rules and statutes related to CPT codes 99455 and 99456 include a mix of inconsistent units and are substantially dissimilar. The rates for these codes and impairment ratings, therefore, have been set to "By-Report" or BR.

A handwritten signature in black ink, appearing to read "R. E. Doucette, Jr.", written over a horizontal line.

Robert E. Doucette, Jr., Director
New Mexico Workers' Compensation Administration

Date: December 9, 2022