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NYSCA & NY Chiropractic Council Attend Successful Meeting with New York State Workers' Compensation Board Staff

Productive Discussion and Progress on Many WCB-Related Issues

Summary of 9/24 Meeting with Workers' Compensation Board



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Association representatives from the Council and NYSCA, along with their lobbyists, had a productive meeting with the WCB executive director and policy/research staff on September 24. The core items discussed were: 1) the Conversion Factor; 2) MTG Administration and Reforms; 3) Arbitration Practice Updates; and 4) the MTG Medical Advisory Committee. In addition to our discussion, we also provided WCB staff with a position paper on MTG fee comparisons and appropriate related research, and we will continue to provide the WCB with relevant, scientific research in support of the chiropractic profession.

Conversion Factor

We strongly made the case for a greater Conversion Factor (CF), citing the indefensible disparity between the present DC CF and PT CF. Our timing on this issue was ideal as the WCB just made the decision to not renew their contract with Ingenix, which is the company that assisted the WCB in determining the current fee schedule and publication thereof. As a result of this non-renewal, the WCB is taking a comprehensive look at the fee schedule and will be developing their own. The WCB was receptive to our position and is studying our request for a new CF, which would minimally place DC's CF between that of MDs and PTs.

MTG Administration and Reforms

The WCB has also retained Deloitte Consulting to analyze the entire claims filing process at WCB and make recommendations for overall system improvement that would ideally address many of the logistical concerns for providers (WCB is presently utilizing a paper-based, 20 year old system that they acknowledge no longer works for anyone). Again, this was welcome and positive news. Deloitte will conduct a Business Process Engineering Study (Subject No. 046-608) with the goal being less litigation, less paper, more oversight of both carriers and providers, and more penalties for bad behavior, hopefully leading to a more transparent system at WCB, one that is less clogged with automatic denials of claims and appeals.

NYSCA and the Council have already scheduled a chiropractic-specific conference call with representative from Deloitte in early November to discuss our concerns with the current WCB system. Both Associations want your ideas, thoughts, and comments about the current workers compensation system prior to this call. Please send examples of inappropriate claims processing, determinations and other issues. Previous examples sent have been instrumental in guiding WCB education and driving necessary changes. The Council and NYSCA will compile the responses and share that information during our upcoming call with Deloitte. We have already begun compiling a list of issues to discuss with Deloitte including issues with the current structure governing the process. For example, we will be discussing the lack of a doctor of chiropractor on the Medical Advisory Committee. We ask that all doctors of chiropractic work through their respective associations so that our message to Deloitte is consistent and coherent. Accordingly, NYSCA and the Council request that doctors contact their respective offices with any feedback or information ASAP.

Arbitration Practice Update

We also discussed the new rules that have been implemented in the arbitration process. To facilitate the new rules, Form HP-1, Health Provider's Request for Decision on Unpaid Medical Bill(s), has been revised. The new HP-1 now includes a check box to allow providers to select desk arbitration if more than \$1,000 is in dispute. The Board will automatically assign any claim involving \$1,000 or less to desk arbitration. New arbitration fees have been established, with reduced fees for desk arbitration. For more information see WCB bulletin Subject Number 046-600.

Finally, we recommend that you review the Medical treatment guideline chart (see [Subject Number 046-621](#) (September 3, 2013)). This quick reference guide will be helpful to determine which category of care your patient falls in. Also feel free to send this chart to educate any claims examiners who may not be following the correct processes or have questions regarding your patient's treatment.

Future meetings will be scheduled to discuss IME changes and electrodiagnostic testing performed by chiropractors. The Council and NYSCA will keep you posted on any developments, as we continue to work together to improve workers' compensation practice and procedures.

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