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Emily B Caudill
REGULATIONS COMPILER

**STATEMENT OF EMERGENCY
803 KAR 25:089E**

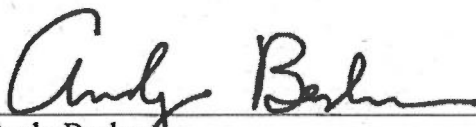
(1) The Department of Workers' Claims must amend this administrative regulation by emergency to comply with KRS 342.035(1) which requires that the schedule of fees be reviewed and updated, if appropriate, every two (2) years on July 1. Medical costs in the workers' compensation system shall be fair, current, and reasonable for similar treatment in the same community where paid for by general insurers. The medical fee schedule meets this statutory guideline. By complying with that statutory guideline, the medical fee schedule update insures injured employees receive quality and appropriate health care and medical providers are appropriately compensated. This emergency regulation complies with the statutory mandate of being in place by July 1 and protects human health and public health, safety, and welfare by updating medical costs.

(2) The administrative regulation currently in effect incorporates the 2020 fee schedule. After review, it was necessary to update and revise the 2020 fee schedule to address current medical costs. Because KRS 342.035(1) requires the medical fee schedule to be updated in order to remain fair, current, and reasonable, the current regulation must be amended to incorporate the 2022 fee schedule.

(3) This emergency regulation will be replaced by an ordinary administrative regulation.

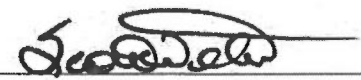
(4) The schedule of fees provided in this emergency administrative regulation cannot be provided through an ordinary administrative regulation because the ordinary rulemaking process cannot be completed in time to meet the statutory requirements..

(5) This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.



Andy Beshear
Governor

6/23/2022
Date



Scott C. Wilhoit
Commissioner of the Department of Workers' Claims
Labor Cabinet

6/21/2022
Date

1 LABOR CABINET

2 Department of Workers' Claims

3 (Emergency Amendment)

4 803 KAR 25:089. Workers' compensation medical fee schedule for physicians.

5 RELATES TO: KRS 342.0011(32), 342.019, 342.020, 342.035

6 STATUTORY AUTHORITY: KRS 342.020, 342.035(1), (4)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.035(1) requires the
8 commissioner of the Department of Workers' Claims to promulgate administrative regulations to
9 ensure that all fees, charges, and reimbursements for medical services under KRS Chapter 342 are
10 limited to charges that are fair, current, and reasonable for similar treatment of injured persons in
11 the same community for like services, where treatment is paid for by general health insurers. KRS
12 342.035(4) requires the commissioner to promulgate an administrative regulation establishing the
13 workers' compensation medical fee schedule for physicians. Pursuant to KRS 342.035, a schedule
14 of fees is to be reviewed and updated, if appropriate, every two (2) years on July 1. This
15 administrative regulation establishes the medical fee schedule for physicians.

16 Section 1. Definitions.

17 (1) "Medical fee schedule" means the 2022 Kentucky Workers' Compensation Schedule of
18 Fees for Physicians [~~2020 Kentucky Workers' Compensation Schedule of Fees for Physicians~~].

1 (2) "Physician" is defined by KRS 342.0011(32).

2 Section 2. Services Covered.

3 (1) The medical fee schedule shall govern all medical services provided to injured
4 employees by physicians under KRS Chapter 342.

5 (2) The medical fee schedule shall also apply to other health care or medical services
6 providers to whom a listed CPT code is applicable unless:

7 (a) Another fee schedule of the Department of Workers' Claims applies;

8 (b) A lower fee is required by KRS 342.035 or a managed care plan approved by the
9 commissioner pursuant to 803 KAR 25:110; or

10 (c) An insurance carrier, self-insured group, or self-insured employer has an agreement
11 with a physician, medical bill vendor, or other medical provider to provide reimbursement of a
12 medical bill at an amount lower than the medical fee schedule.

13 Section 3. Fee Computation.

14 (1) The appropriate fee for a procedure or item covered by the medical fee schedule shall
15 be the Maximum Allowable Reimbursement (MAR) listed in the 2022 [2020] Kentucky Workers'
16 Compensation Schedule of Fees for Physicians for those procedures or items for which a specific
17 monetary amount is listed.

18 (2) Procedures Listed Without Specified Maximum Allowable Reimbursement Monetary
19 Amount: The appropriate fee for a procedure or item for which no specific monetary amount is
20 listed shall be determined and calculated in accordance with numerical paragraph six (6) of the
21 General Instructions of the medical fee schedule unless more specific Ground Rules are applicable

1 to that service or item, in which case the fee shall be calculated in accordance with the applicable
2 Ground Rules.

3 (3) The resulting fee shall be the maximum fee allowed for the service provided.

4 Section 4. (1) A physician or healthcare or medical services provider located outside the
5 boundaries of Kentucky shall be deemed to have agreed to be subject to this administrative
6 regulation if it treats a patient who is covered under KRS Chapter 342.

7 (2) Pursuant to KRS 342.035, medical fees due to an out-of-state physician or healthcare
8 or medical services provider shall be calculated under the fee schedule in the same manner as for
9 an in-state physician.

10 Section 5. Incorporation by Reference.

11 (1) "2022 Kentucky Workers' Compensation Schedule of Fees for Physicians", July 1, 2022
12 Edition [2020 Kentucky Workers' Compensation Schedule of Fees for Physicians, July 1,
13 2020 Edition], is incorporated by reference.

14 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
15 law, at the Department of Workers' Claims, Mayo-Underwood Building 3rd Floor, 500 Mero
16 Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify the Commissioner has reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 342.260, 342.270 and 342.285.



Scott C. Wilhoit
Commissioner of the Department of Workers' Claims
Labor Cabinet

6/21/2022

Date

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PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on August 31, at 10:00 a.m. (EDT) at the Department of Workers' Claims, 500 Mero Street, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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