

EDUCATION AND LABOR CABINET
Department of Workers' Claims
(Amendment)

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

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

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

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

Section 1. Definitions.

- (1) "Medical fee schedule" means the 2024 Kentucky Workers' Compensation Schedule of Fees for Physicians.
- (2) "Physician" is defined by KRS 342.0011(32).

Section 2. Services Covered.

- (1) The medical fee schedule shall govern all medical services provided to injured employees by physicians under KRS Chapter 342.
- (2) The medical fee schedule shall also apply to other health care or medical services providers to whom a listed CPT, HCPCS, or Transportation code, is applicable unless:
 - (a) Another fee schedule of the Department of Workers' Claims applies;
 - (b) A lower fee is required by KRS 342.035 or a managed care plan approved by the commissioner pursuant to 803 KAR 25:110; or
 - (c) An insurance carrier, self-insured group, or self-insured employer has an agreement with a physician, medical bill vendor, or other medical provider to provide reimbursement of a medical bill at an amount lower than the medical fee schedule.

Section 3. Fee Computation.

- (1) The appropriate fee for a procedure or item covered by the medical fee schedule shall be the Maximum Allowable Reimbursement (MAR) listed in the 2024 Kentucky Workers' Compensation Schedule of Fees for Physicians for those procedures or items for which a specific monetary amount is listed.
- (2) Procedures Listed Without Specified Maximum Allowable Reimbursement Monetary Amount. The appropriate fee for a procedure or item for which no specific monetary amount is not listed shall be determined and calculated in accordance with numerical paragraph seven (7) of the General Instructions of the medical fee schedule unless more specific Ground Rules are applicable to that service or item, in which case the fee shall be calculated in accordance with the applicable Ground Rules.
- (3) The resulting fee shall be the maximum fee allowed for the service provided.

Section 4.

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

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

Section 5. Incorporation by Reference.

(1) "2024 Kentucky Workers' Compensation Schedule of Fees for Physicians", July 1, 2024 Edition, is incorporated by reference.

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

(3) The fee schedule may be obtained directly from FAIR Health, Inc., at <https://orders.fairhealth.org/>. A link to FAIR Health, Inc., may be found on the Department of Workers' Claims Web site at <https://elc.ky.gov/Workers-Compensation/Pages/Medical-Services.aspx>.

(21 Ky.R. 1603; eff. 2-9-1995; 23 Ky.R. 1750; 2485; eff. 12-12-1996; 25 Ky.R. 915; 1362; eff. 11-18-1998; 28 Ky.R. 1226; eff. 1-14-2002; 32 Ky.R. 747; eff. 1-6-2006; 35 Ky.R. 404, eff. 12-5-2008; 37 Ky.R. 1078 1492; eff. 3-4-2011; 40 Ky.R. 1907; 2304; eff. 6-6-2014; 43 Ky.R. 28, 404; eff. 10-7-2016; 45 Ky.R. 158, 1193; eff. 12-7-2018; 47 Ky.R. 382, 1217; eff. 3-2-2021; 49 Ky.R. 440, 1263; eff. 3-7-2023; 50 Ky.R. 2478; eff. 12-3-2024.)

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

APPROVED BY AGENCY: May 8, 2024

FILED WITH LRC: May 14, 2024 at 3:10 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 22, 2024, 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 July 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: B. Dale Hamblin, Jr., Assistant General Counsel, Workers' Claims Legal Division, Mayo-Underwood Building, 3rd Floor, 500 Mero Street, Frankfort, Kentucky 40601, phone (502) 782-4404, fax (502) 564-0681, email Dale.Hamblin@ky.gov