



1st Quarter 2021

Medical Fee Services *eNews*

Regulatory Focus

§ 65.2-605(D) The Commission shall review Virginia fee schedules during the year that follows the transition date and biennially thereafter and, if necessary, adjust the Virginia fee schedules in order to address (i) inflation or deflation as reflected in the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U) for the South as published by the Bureau of Labor Statistics of the U.S. Department of Labor; (ii) access to fee scheduled medical services; (iii) errors in calculations made in preparing the Virginia fee schedules; and (iv) incentives for providers.

Commissioners

R. Ferrell Newman, Chairman
Wesley G. Marshall
Robert A. Rapaport

Executive Director

Evelyn V. McGill

MFS Manager

Drema M. Thompson

Office of Medical Fee Services
Virginia Workers'
Compensation Commission

Contact

Email:
Medicalfeeservices@workcomp.virginia.gov

Phone: 877-664-2566

From the MFS Desk

Provider and Payer Administrative Decision FAQs

What is the authority of the Administrative Review and Determination process?

Any dispute concerning applying the Virginia fee schedules and ground rules to a particular medical service shall be submitted to the Commission for an administrative review and determination according to such procedures as the Commission may adopt from time to time. The administrative review process determines the employer's maximum liability for the disputed medical services.

What if I disagree with the administrative decision of the Medical Fee Service Department?

An administrative decision is not an order to pay; however, it does determine the employer's maximum liability and will be final and binding 30 days after its issuance. Parties may appeal the administrative decision or request a hearing before a Deputy Commissioner provided such request is made in writing and filed with the Commission within 30 days of the administrative decision's issuance.

What if the maximum fee determined is not received?

A request may be submitted to have the medical dispute resolved judicially either via [Alternative Dispute Resolution](#) or medical provider application for hearing.

Did You Know?

Medical Provider Application vs. Medical Fee Schedule Dispute Request

Medical Provider Application

Health care providers play a vital role in the claim process. Accordingly, they have certain rights and remedies available to them under the Virginia Workers' Compensation Act. If a dispute arises as to reimbursement for a medical charge, the health care provider may file a claim or request mediation to resolve the dispute over payment of medical services rendered to an injured worker.

Medical, surgical, and hospital service herein required when ordered by the Commission that is provided to an injured person **prior to 01/01/2018**, regardless of the date of injury, shall be limited absent a contract providing otherwise, to such charges as prevail in the same community for similar treatment when such treatment is paid for by the injured person.

Medical Fee Schedule Dispute Request

Medical, surgical and hospital service herein required when ordered by the Commission that is provided to an injured person **after 01/01/2018**, regardless of the date of injury, shall be limited, absent a contract or negotiated agreement providing otherwise, to the fee schedule maximum assigned amount.

Whenever there is a disagreement on the application or interpretation of the MFS Rules between a provider and a payer, either party may submit a [Medical Fee Schedule Dispute Request Form](#) along with supporting documentation to the Medical Fee Services Department for administrative review and determination.

When responding to an MFS dispute, copies of documentation confirming payment is required. Notification of pending actions are not sufficient to stop the Commission's administrative review determination process.



MFS Educating the Public

The 2022 [MFS Biennial Review Timeline](#) has been posted on the Commission's website.

Reminder:

Historical fee schedules are listed on the Commission's website. Please review dates of service in order to ensure you are retrieving the correct maximum fees.

Please review the Commission's website for updates regarding the 2021 VWC Educational Conference & Exhibition.