

It's a good evening! But is this good news? Probably...

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CRUCIBLE - def - situation of severe trial, or one in which different elements interact, (usually under high heat) leading to the creation of something new.

The DWC Newsline attached below confirms rumors widely circulated over the last couple of days. The DWC has provided emergency regulations for billing and reimbursement of tele-evals. This schedule is significantly different from that currently provided by the MLFS known and loved for so long, as found in 8CCR §§ 9793 - 9795.

The DWCNewsline contains a basic explanation and links to the actual documents that describe the emergency and need for these regulations to be implemented outside the usual regulatory process. There are five such documents: the first is notice that the action is taking place. After that are two pairs of documents. The first focuses on a new regulation for service of reports and the second substantiates the need for and procedure that must be followed to provide and bill for qualifying evaluations.

The substance of this emergency fee schedule for tele-evals is a version of the consensus recommendations established earlier this year by stakeholders for a complete revision of the Med-Legal Fee Schedule (MLFS).

However, implementation of a new MLFS across the entire spectrum of med-legal evaluations would normally take place after a formal rulemaking procedure that often spans several weeks, if not months.

The Covid-19 pandemic and tele-evals present an "opportunity" to put the new MLFS into operation under "emergency regulations," an almost immediate alternative to the usual rulemaking/public hearing process.

The effect will be to see how well the main tenets of the new MLFS work in somewhat real-time. The relatively narrow circumstances in which tele-evals are agreed by both sides is the first and primary condition. It remains to be seen how well the new schedule will work in common use, but these emergency regulations provide a crucible.

For many, the main hurdle to tele-evals remains agreement by all parties, a well written, timely report and careful documentation that all requirements of the new schedule are met – and likely the need for timely, aggressive follow-up when reimbursement does not materialize.

Here is the [link to the DWCNewsline](#). Links to the other documents appear within it. If the links do not work, copies of the accompanying documents are attached below.

THESE REGULATIONS AND THE PROPOSED ALTERNATE FEE SCHEDULE ARE APPLICABLE TO A SUBSET OF MED-LEGAL EVALUATIONS ONLY. NOT EVERYONE WILL BE ABLE TO TAKE ADVANTAGE OF OR GO THROUGH THE AGONY (depending on one's outlook) OF THIS EXPERIMENT.

WHETHER YOU WILL MAKE USE OF THIS NEW FEE SCHEDULE IN THE NEXT FEW WEEKS/MONTHS IS NOT NEAR AS IMPORTANT AS YOUR ANALYSIS OF HOW THE FEE

SCHEDULE MIGHT WORK WHEN/IF IT IS RELEASED FOR USE FOR GENERAL USE IN ALL MEDICAL-LEGAL EVALUATIONS.

THE DWC NEEDS TO HEAR FROM YOU - POSITIVES AND NEGATIVES - BUT IMPORTANTLY, THE PRACTICAL ISSUES THAT WILL ARISE FROM OR BE SOLVED BY THE STRUCTURE OF THIS FEE SCHEDULE.

Other resources and information:

- **California UR Authorizations for Treatment via tele-health** - [Click here for more info about an upcoming Daisybill Webinar](#)
- **Emailing documents to the WCAB** - <https://www.dir.ca.gov/DIRNews/2020/2020-32.html>
 - WCAB Enbanc decision regarding emailing documents to WCAB - attached below
 - WCAB document email addresses - <https://www.dir.ca.gov/dwc/dir2.htm>