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May 25, 2018

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Clarissa M. Rodriguez, Chair
Workers' Compensation Board
328 State Street
Schenectady, NY 12305

Dear Chair Rodriguez:

Thank you for providing us with the opportunity to address the consideration of the vital and needed issue of a fee increase for physicians under the NYS Workers' Compensation Program.

As we are all aware, there has not been an increase in the WC medical fee schedule for physicians since 1996. At that time, the WCB revised the Physician Medical Fee Schedule to the AMA-CPT coding system of the day.

Since you requested our input on this issue, we are respectfully seeking an appropriate increase in the schedule of medical fees for the next update period, commensurate with the current cost of living increases. In addition, the procedure coding needs to be updated to the current AMA-CPT codes. With the outdated coding system, added paperwork and delayed payments of the WC Program, many physicians have left the program creating significant access problems for workers across the state.

Back in 2002, we pointed out that the Consumer Price Index (CPI) had increased 19.9% in the northeast urban areas of the U.S. as of 1994. Additionally, the current cost of medical practice in New York State has risen significantly in the past 22 years. We understand the impracticality of seeking a 19.9% increase; however, as the President of the Medical Society of the State of New York (MSSNY), I recommend that the NYS WCB consider an increase of 10% for all E&M services, as they are presently undervalued and a 5% increase for all remaining AMA-CPT Codes in the WC physician fee schedule. In addition, it would be in order to have the same percentage increases (i.e. 10% and 5%) over the next several years to account for the rise in the cost of living.

These increases would allow the fees to equilibrate with the current CPI and would fluctuate in the future to maintain parity and would be fair and adequate for the types of medical care to be rendered to injured workers in this state. The increases must be provided every year so that we attain and maintain equality (or parity) with the current cost of living for each succeeding year's fee schedule publication.

MSSNY is aware that the WCB considers some fees for certain procedures to be overvalued. To avoid a negative backlash which may result in many expertly qualified physicians voluntarily resigning their authorization to treat workers resulting in a patient access problem, we urge the Board to not allow any reductions to the current WC fee schedule for any physician or specialty.

Your continued and kind consideration of this important matter will be greatly appreciated by MSSNY. Your cooperation will be appreciated. If there are any questions, please feel free to contact me at (516) 488- 6100, 332.

Sincerely,

Dr. Thomas Madejski, President
Medical Society of State of New York

cc: Mary Beth Woods, WCB
Steven Smith, WCB
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