

Assessment of Public Comment

During the public comment period, the Board received four written comments.

One comment from an insurance association opined that the regulation unnecessarily requires the injured worker or injured worker's attorney to be sent notice that the bill is not being paid. Because this is current and best practice, and mentioned in the instructions on the existing forms, no change has been made in response to this comment.

Two of the comments requested clarification about the wording in section 325-1.25(c) regarding the timing for objections and whether the sections are inconsistent, and that section (c)(1) be changed to say that the 45-day time period begins when the bill is received by the employer, insurance carrier or TPA, and requested this change be made throughout the regulation. The regulation states "received," and as a practical matter, in the event of a billing dispute, the Board looks to the date that the Board received the bill. Additionally, once CMS-1500 is fully implemented, the carrier's acknowledgement date will be used in the system, and there will be less occasion for disputes over the receipt date - so no change has been made in response to this comment.

The Board received one comment opining that it would be impossible for all objections to be made simultaneously and expressing concern with the workers' compensation system broadly. This comment is unrelated to the substance of the proposal and did not offer any specific suggestions, no change has been made in response to this comment.

One comment from a law firm requested a change to be made to state the specific legal and MTG objections to a medical bill that will be waived if not raised in a PAR response. This proposal requires all objections related to the PAR itself to be made at the same time, and absent extraordinary circumstances it is anticipated that other objections will be waived if not made simultaneously, so no change has been made in response to this comment.

The comment also requested the Board add an exception to the proposal for newly discovered evidence received after the PAR response. A PAR response has timeframes that need to be adhered to, and the decision on the PAR within the timeframe approves or denies the PAR. The Board acknowledges there will always be exceptional cases that will need to be litigated, but this proposal provides a clearer rule, and no change has been made in response to this comment.