

ORIGINAL: 2542

*De Novo Management**Georgine Jorda
Post Office Box A
Dallas, PA 15612**In-Depth Reviews**Phone (570) 675-1414
Fax (570) 675-6732
Toll-Free (866) 320-8100*

July 5, 2006

Ms. Eileen Wunsch, Chief
Medical Treatment Review Section
Bureau of Workers' Compensation
P O Box 15121
Harrisburg, PA 17105-5121

FAXED TO: (717) 772-1900

RE: Proposed Rulemaking, 34 PA Code Chapter 127, Subchapter E: Medical Treatment Review

Dear Eileen:

Please accept this letter in response to the recently published proposed medical cost containment regulations. The following are my concerns, comments and suggestions.

- 127.805 This subsection is very helpful in eliminating duplicate reviews, reviews by providers who are not providers under the Act, improperly completed UR Requests, etc.
- 127.811 While performing a UR of the entire course of treatment rendered to an employee and assigning each portion of the review to the applicable reviewer, certain scenarios came to mind. They include, the new reduced time constraints for submission of reports especially when consultation with the involved reviewers comes in to play, increased costs of billing when utilizing multiple reviewers which may severely impact the average review cost by a URO, and confusion surrounding the final determination by each separate reviewer (i.e., one reviewer determines all treatment is reasonable and necessary and other providers find that it is unreasonable and unnecessary, how will the determinations be processed on the determination face sheet – collectively?).
- 127.851.c I am concerned that the PUR will not have adequate time to forward medical records to the URO since the time frame is proposed to change to 15 days of the postmark of the UROs request. Several problems may occur, including but not limited to the fact that insurance companies often

Page 2

provide incorrect addresses for the PUR or provide the address for the PUR's billing office (who seldom, if ever, forward our request to the PUR); many providers utilize copying services that are only contracted to copy records on an infrequent basis, i.e., twice monthly; some providers may be closed for a week's time due to vacation; holidays, etc., and may not be able to adhere to the 15 day deadline. All of these scenarios will directly impact the employee's treatment if the records are not received in a timely manner through no fault of their own. If a shortened time frame is necessary, I would suggest a 21 day deadline (three weeks) to allow the provider a more ample time frame to respond and supply records.

127.851.d.

The same concerns apply for this section pertaining to recertification and redetermination as are cited above in 127.851.c.

127.856

This subsection allowing the insurer to submit peer-reviewed, independently funded studies, etc., which are relevant to the reasonable and necessity of treatment under review, appears biased toward the employee, who should also be allowed to submit such studies.

127.857

The Bureau proposes the elimination of the provision in the prior regs that permitted records to be requested telephonically. Does this specifically refer to the two follow up telephone calls that are currently being made to the PUR's office? Does this forbid the URO from contacting the PUR via telephone? When I first read the proposed rules & regs, my thought was to contact the PUR via telephone upon receipt of the flash faxed assignment to confirm the address and obtain a fax number, and to advise the PUR of the pending UR and the new shortened deadline, and then fax the request and verification form with a cover sheet advising that this was also being sent via certified mail. Would this be allowed under the new rules & regs? It would certainly aid in the timely receipt of requested records.

127.861

If the PUR fails to provide records in a timely manner according to the proposed 15 day deadline, the employee will ultimately suffer. I am also concerned that providers that do not comply with this deadline may decide to stop treating WC patients all together due to the strict time constraints and lack of recourse for a No Records Review. Again, if a shortened time frame is necessary, I would suggest a 21 day deadline (three weeks) to allow the provider a more ample time frame to respond and supply records.

127.862

Regarding the deadline for the UROs determination subsequent to receipt of records, a 20 day deadline can also present many problems. The reviewers are mandated to maintain at least a part time practice of 20 hours weekly; however, the majority of reviewers practice in excess of 40 hours per week. In addition to their practices, they also treat at hospitals, go to CE seminars, travel to other offices, take vacations, provide UR/PRO reporting services to other companies, etc. A 20 day deadline for the URO to complete the review upon timely receipt of the requested records appears very rushed and may present situations such as increased reviewer fees, reviewers decisions to cease providing UR report

Page 3

services, and an increasing difficult time for the UROs to obtain and train new reviewers. This 20 day deadline is of major concern if an entire course of treatment rendered to an employee must be assigned by each portion of the review to the applicable reviewers (multiple reviews/reports for a UR request). Once a report is received from a reviewer and the URO reviews the report, it may take several rounds of discussions and changes to complete the report, especially in light of the fact that the URO may have to resolve inconsistencies between reviewers. I would suggest a 28 day deadline (four weeks).

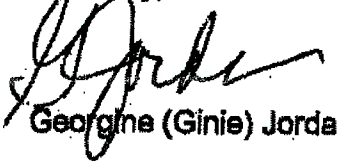
127.866 Please clarify if the current report format will stay in effect. I would suggest that time can be saved if the synopsis of treatment section of the report be eliminated and the reviewer can just note that he has reviewed all records listed in the records section of the report.

127.870 Can you please specifically advise if the proof of mailing of the certified request for records, the certified receipt/green card, copies of the request for records letter and verification form to the PUR, as well as the synopsis of file activity is being eliminated when the determination is a No Records Review?

127.1051 Can you please advise if the Bureau will only accept a set number of UROs based on the RFPs submitted? It is noted that the new regs propose that authorized UROs/PROs will continue to be authorized until their expiration dates. Will the RFPs eventually all be requested by a specific/uniform due date for all UROs as other RFPs are set up? Will an authorization remain at a time period of two years? Will the competitive basis for authorization of a URO be based solely on acceptance of low bidders, if not, what are the major factors the Bureau will utilize when approving UROs? I have concern about the elimination of current smaller URO companies that are capable of providing the service, however, being replaced by the larger companies.

Thank you for your consideration. I look forward to attending the July 11, 2006 public meeting in Harrisburg.

Sincerely,



Georgine (Ginie) Jorda

ORIGINAL: 2542

De Novo Management

*Georgina Jorda
Post Office Box 4
Dallas, TX 75202*

In-Depth Reviews

*Phone (570) 593-1414
Fax (570) 675-0732
Toll-Free (866) 920-5100*

FAX COVER SHEET

WARNING: CONFIDENTIAL COMMUNICATION

The information contained in this fax transmission is private, privileged and confidential, intended only for the professional use of the recipient(s) named below. If you are not the named recipient, or their authorized agent responsible for delivering this message unread to the named recipient, you are hereby notified that you have received this document in error, and that any review, copying, distribution, or dissemination of any part of this transmission is strictly prohibited.

DATE: 7-5-06
 TO: Mrs. Eileen Wunsch
 FAX #: (717) 772-1900
 FROM: Georgina Jorda
 RE: Proposed Rules + Regs
 PAGES: 3 + Cover Sheet

MESSAGE:

*Please see attached comments.
Thank you!*