

1 Department of Labor and Industry

2

3 Adopted Permanent Rules Relating to Independent Medical

4 Examination Fees

5

6 Rules as Adopted

7 5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

8 Subpart 1. Authority. This part is adopted under the
9 authority of Minnesota Statutes, section 176.136, subdivision 1c.

10 Subp. 2. Definition. For purposes of this part, the
11 language contained in Minnesota Statutes, section 176.136,
12 subdivision 1c: "for, or in connection with, independent or
13 adverse medical examinations requested by any party" means
14 charges by a health care provider as defined by Minnesota
15 Statutes, section 176.011, subdivision 24, with regard to
16 examinations conducted pursuant to Minnesota Statutes, section
17 176.155, subdivision 1, for:

- 18 A. review of medical records;
- 19 B. obtaining history from and examination of an
20 employee;
- 21 C. reading, interpretation, and analysis of X-rays or
22 other diagnostic imaging or tests;
- 23 D. diagnosis, analysis, treatment recommendations,
24 and preparation of written report;
- 25 E. travel expenses and charges;
- 26 F. preparation of postexamination supplemental
27 reports;
- 28 G. reserve time and cancellation fees;
- 29 H. depositions and court appearances;
- 30 I. conferences with attorneys; and
- 31 J. mental health professionals' hourly charges.

32 Subp. 3. Charges. Charges by a health care provider as
33 defined by Minnesota Statutes, section 176.011, subdivision 24,
34 for or in connection with independent medical examinations
35 pursuant to Minnesota Statutes, section 176.155, must not exceed

1 the cost specified in items A to J.

2 A. The charge for review of medical records is as
3 follows:

4 (1) for all or part of the first 50 pages, \$175;
5 and

6 (2) for all or part of each additional 50 pages,
7 \$100.

8 B. The charge for obtaining a history from and
9 examination of an employee is \$275.

10 C. The total charge for reading, interpretation, and
11 analysis of multiple or single X-rays and other diagnostic
12 imaging or tests is \$75.

13 D. The charge for a diagnosis, analysis, treatment
14 recommendations, and a written report is \$250.

15 E. The charge for travel expenses is as follows:

16 (1) the cost of actual travel expenses incurred.
17 If appropriate, mileage at the maximum rate allowed for
18 deductions by the Internal Revenue Service may be charged in
19 lieu of air, bus, train, or other fare or the actual expenses
20 incurred for the use of one's automobile; and

21 (2) travel surcharge:

22 (a) within the seven-county metropolitan
23 area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
24 Washington counties), no charge; and

25 (b) outside of the seven-county metropolitan
26 area, \$75.

27 F. The charge for postexamination supplemental
28 reports is as follows:

29 (1) for postexamination supplemental reports
30 within six months of date of examination, \$150; and

31 (2) an additional charge for reviewing additional
32 records for postsupplemental reports of more than 25 pages, \$100.

33 G. The charge for reserve time charges and
34 cancellation fees. In the event a scheduled examination is
35 canceled or the employee does not appear for the examination:

36 (1) if canceled at least three business days

1 before the examination date, no charge;

2 (2) if the employee fails to appear for the
3 examination, or the examination is canceled less than three
4 business days before the examination date, \$400.

5 These charges are in lieu of the amounts specified in items
6 A to E.

7 H. The charge for depositions and court appearances
8 are as follows:

9 (1) for the first review of new or additional
10 medical records in preparation for a deposition or court
11 appearance, the same charge as in item A;

12 (2) for the review of previously studied records
13 in preparation for a deposition or court appearance, \$75 for a
14 review of up to 50 pages, and \$37.50 for each additional 50
15 pages or part thereof;

16 (3) deposition, including predeposition attorney
17 conferences, \$400 per hour for a minimum of two hours;

18 (4) court appearance, \$400 per hour for a minimum
19 of three hours;

20 (5) cancellation fees for depositions and court
21 appearances are as follows:

22 (a) if canceled six business days before the
23 deposition or appearance, no charge;

24 (b) if canceled on the fifth, fourth, or
25 third business day before the deposition or appearance, \$500;

26 (c) if canceled two business days before the
27 deposition or appearance, \$700; and

28 (d) if canceled one business day before or
29 on the same day as the deposition or appearance, \$800.

30 I. The charge for attorney conference, other than at
31 the time of deposition is \$200 per hour with a one hour minimum.

32 J. The charge for psychiatrists or psychologists is
33 \$200 per hour for review and analysis of medical data, in lieu
34 of the charges in items A to E.

35 Subp. 4. **Adjustments.** On October 1, 1994, and on October
36 1 of each succeeding year, the fees in this part must be

10/18/93

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1 adjusted by the percentage determined under Minnesota Statutes,
2 section 176.645, in the same manner as the conversion factor of
3 the relative value fee schedule is adjusted under Minnesota
4 Statutes, section 176.136. This provision does not apply to
5 expenses under subpart 3, item E, subitem (1).