

Regulatory Impact Statement (Dental Fee Schedule, 2d Ed)

1. Statutory Authority:

Workers' Compensation Law (WCL) §117 and §141 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with the provisions of the WCL.

2. Legislative Objectives:

The proposed amendments update the Board's dental fee schedule to make it more comprehensive and to update the fees throughout from when it was first adopted in 2009.

3. Needs and Benefits:

After a thorough analysis of the current dental fee schedule, the Board has determined that the fee schedule needs updating – many of the fees are outdated, and the dental fee schedule has not been updated since it was first adopted. Additionally, several new Current Dental Terminology (CDT) codes are proposed to be included, and several old codes deleted. Language has also been added making explicitly clear that reimbursement is dependent on multiple factors, including causal relationship, clinical necessity, and appropriateness of the fees submitted, in order to safeguard against unnecessary procedures and ensuring quality care for injured workers.

Updating the dental fee schedule conforms to the CDT codes currently in use (as opposed to 15 years ago), provides fairer compensation for dentists treating injured workers and helps ensure higher participation in the workers' compensation system. It also contributes to higher quality care for injured workers by reflecting the changes in the dental field over the last 15 years since it was adopted.

4. Costs:

There are no additional costs expected as a result of this proposal – the process for prior authorization will be electronic and available with no additional required costs. The updating of the fees may increase the costs paid by insurers for certain codes, but this should be balanced by deleted codes and an updated fee schedule overall. Furthermore, it is anticipated that by making the list more comprehensive and updating it for the first time in over fifteen years, that frictional costs associated to fees for dental treatment and unpaid bills will be greatly reduced, if not eliminated.

5. Local Government Mandates:

Municipalities or governmental agencies that are self-insured are required to comply with the fee schedule but there are no specific local government mandates associated with this proposal.

6. Paperwork:

No new paperwork will be required as a result of this proposal – this is updating the existing fee schedule.

7. Duplication:

There is no duplication of State or federal regulations or standards.

8. Alternatives:

An alternative would be to not update the dental fee schedule. However, the Board ultimately decided to provide for these changes to reflect the changes over the last 15 years to ensure dentists are compensated fairly and to help ensure the availability of dentists to treat injured workers.

9. Federal standards:

There are no applicable federal standards.

10. Compliance schedule:

The proposed regulation is mandatory. All affected carriers and self-insured employers will need to use the proposed changes to the fee schedules. All parties will have time to make adjustments prior to the proposal's effective date, which should be upon publication of a Notice of Adoption in the State Register.