

CHAPTER 5219
DEPARTMENT OF LABOR AND INDUSTRY
MEDICAL RECORD COST REIMBURSEMENT

5219.0100 PURPOSE.
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5219.0300 REASONABLE REIMBURSEMENT ALLOWANCE.
 5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

5219.0100 PURPOSE.

This chapter provides a schedule for reasonable reimbursement to a health care provider for copies of medical records. The privacy of medical records or reports under other law is not affected by this chapter.

Statutory Authority: *MS s 176.135; 176.83*

History: *15 SR 800*

5219.0200 SCOPE.

This chapter governs reimbursement for copies of existing medical records related to a current claim for compensation under Minnesota Statutes, chapter 176, when requested by any person or business entity from a health care provider as defined in Minnesota Statutes, section 176.011, subdivision 24.

Statutory Authority: *MS s 176.135; 176.83*

History: *15 SR 800*

5219.0300 REASONABLE REIMBURSEMENT ALLOWANCE.

Subpart 1. **First copy of appropriate record.** For the first copy of the appropriate record as defined in part 5221.0100, subpart 1b, when provided by the health care provider to the payer as defined in part 5221.0100, subpart 11, to substantiate the service being billed, a charge not to exceed 75 cents per page is reasonable. This amount applies whether the record is provided with the billing, under separate cover, or in response to a request by the payer for an appropriate record which has not been submitted with the bill.

Subp. 2. **Other copies.** For all other copies of existing medical records or data that are not specifically addressed in subpart 1 or in Minnesota Statutes, section 176.155, or any other Minnesota statute or rule, a charge is reasonable if the total charge for each submission following a request does not exceed the sum of \$10 as a retrieval fee and 75 cents per page.

Subp. 3. **Postage and other charges.** In addition to the charges in subparts 1 and 2, the health care provider may charge actual postage, any applicable Minnesota sales tax, and notary fees, if notarization is requested.

Subp. 4. **Time for payment.** The requester must reimburse the health care provider within 30 days of receipt of the copies requested.

Statutory Authority: *MS s 176.135; 176.83*

History: *15 SR 800*

5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

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

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

- A. review of medical records;

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- B. obtaining history from and examination of an employee;
- C. reading, interpretation, and analysis of X-rays or other diagnostic imaging or tests;
- D. diagnosis, analysis, treatment recommendations, and preparation of written report;
- E. travel expenses and charges;
- F. preparation of postexamination supplemental reports;
- G. reserve time and cancellation fees;
- H. depositions and court appearances;
- I. conferences with attorneys; and
- J. mental health professionals' hourly charges.

Subp. 3. **Charges.** Charges by a health care provider as defined by Minnesota Statutes, section 176.011, subdivision 24, for or in connection with independent medical examinations pursuant to Minnesota Statutes, section 176.155, must not exceed the cost specified in items A to J.

- A. The charge for review of medical records is as follows:
 - (1) for all or part of the first 50 pages, \$175; and
 - (2) for all or part of each additional 50 pages, \$100.
- B. The charge for obtaining a history from and examination of an employee is \$275.
- C. The total charge for reading, interpretation, and analysis of multiple or single X-rays and other diagnostic imaging or tests is \$75.
- D. The charge for a diagnosis, analysis, treatment recommendations, and a written report is \$250.
- E. The charge for travel expenses is as follows:
 - (1) the cost of actual travel expenses incurred. If appropriate, mileage at the maximum rate allowed for deductions by the Internal Revenue Service may be charged in lieu of air, bus, train, or other fare or the actual expenses incurred for the use of one's automobile; and
 - (2) travel surcharge:
 - (a) within the seven-county metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties), no charge; and
 - (b) outside of the seven-county metropolitan area, \$75.
- F. The charge for postexamination supplemental reports is as follows:
 - (1) for postexamination supplemental reports within six months of date of examination, \$150; and
 - (2) an additional charge for reviewing additional records for postsupplemental reports of more than 25 pages, \$100.
- G. The charge for reserve time charges and cancellation fees. In the event a scheduled examination is canceled or the employee does not appear for the examination:
 - (1) if canceled at least three business days before the examination date, no charge;
 - (2) if the employee fails to appear for the examination, or the examination is canceled less than three business days before the examination date, \$400.

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

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

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

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

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

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

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

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

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

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

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

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

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

Subp. 4. **Adjustments.** On October 1, 1994, and on October 1 of each succeeding year, the fees in this part must be adjusted by the percentage determined under Minnesota Statutes, section 176.645, in the same manner as the conversion factor of the relative value fee schedule is adjusted under Minnesota Statutes, section 176.136. This provision does not apply to expenses under subpart 3, item E, subitem (1). The fees shall be adjusted as follows:

A. On October 1, 1994, the fees in this part shall be increased by 1.65 percent;

B. On October 1, 1995, the fees as adjusted in item A shall be increased by 2.64 percent;

C. On October 1, 1996, the fees as adjusted in item B shall be increased by 3.76 percent;

D. On October 1, 1997, the fees as adjusted in item C shall be increased by 5.53 percent;

E. On October 1, 1998, the fees as adjusted in item D shall be increased by 4.70 percent;

F. On October 1, 1999, the fees as adjusted in item E shall be increased by 6.22 percent;

G. On October 1, 2000, the fees as adjusted in item F shall be increased by 4.39 percent;

H. on October 1, 2001, the fees as adjusted in item G shall be increased by 5.92 percent;

I. on October 1, 2002, the fees as adjusted in item H shall be increased by 2.8 percent;

J. on October 1, 2003, there shall be no further adjustment to the fees set forth in item I;

K. on October 1, 2004, the fees as adjusted in item I shall be increased by 1.5 percent;

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L. on October 1, 2005, there shall be no further adjustment to the fees set forth in item K;

M. on October 1, 2006, the fees as adjusted in item K shall be increased by 0.73 percent;

N. on October 1, 2007, the fees as adjusted in item M shall be increased by 0.9 percent;

O. on October 1, 2008, the fees as adjusted in item N shall be increased by 4.1 percent;

P. on October 1, 2009, the fees as adjusted in item O shall be increased by 1.1 percent; and

Q. on October 1, 2010, the fees as adjusted in item P shall be decreased by 1.14 percent.

Statutory Authority: *MS s 14.38; 14.386; 14.388; 176.136*

History: *18 SR 1379; 21 SR 458; 22 SR 500; 23 SR 595; 24 SR 302; 25 SR 730; 26 SR 490; 27 SR 378; 28 SR 315; 29 SR 358; 30 SR 291; 31 SR 324; 32 SR 570; 33 SR 549; 34 SR 353; 35 SR 461*