



**Payment Policies for Healthcare Services  
Provided to Injured Workers and Crime Victims**

# Chapter 15: Medical Testimony

**Effective July 1, 2021**



**Link:** Look for possible **updates and corrections** to these payment policies at:

<https://lni.wa.gov/patient-care/billing-payments/fee-schedules-and-payment-policies/policy-2021>



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## Payment policy: Medical testimony and depositions

### ▶ Who arranges testimonies and depositions

The Office of the Attorney General or the self-insured employer SIE makes arrangements with expert witnesses to provide testimony or deposition.

### ▶ Responsibilities of providers

Any provider having examined or treated a worker must:

- Abide by the fee schedule, *and*
- Testify fully, irrespective of whether paid and called to testify by the Office of the Attorney General or the self-insurer.



**Link:** For more information, see: [RCW 51.04.050](https://leg.wa.gov/RCW/Title5/51.04.050).

### ▶ Reasonable availability

The Office of the Attorney General or the self-insurer and the provider must schedule a reasonable time for the provider’s testimony during business hours.

Providers must make themselves reasonably available for such testimony within the schedule set by the Board of Industrial Insurance Appeals.

### ▶ Cancellation fees

If the <b>cancellation notice</b> for the testimony or deposition is...	Then the Attorney General/SIE:
3 working days or less than 3 working days before a hearing or deposition	<b>Will pay a cancellation fee</b> for the amount of time you were scheduled to testify, at the allowable rate.
More than 3 working days before a hearing or deposition	<b>Won't pay</b> a cancellation fee.

▶ **Services that can be billed**

The Office of the Attorney General provides a medical provider testimony fee schedule when testimony is scheduled. The medical witness fee schedule (see below) is set by the Attorney General’s Office and not by the Department.



**Note:** In the fee schedule below, 1 unit equals 15 minutes of actual time spent.

**Fee schedule for testimony and related fees, effective July 1, 2021:**

If the service provided by a <b>doctor, attending ARNP or psychologist</b> is...	Then the <b>maximum fee</b> is:
Medical testimony (live or by deposition)	\$100.00/unit* (maximum of 17 units)
Record review	\$100.00/unit* (maximum of 25 units)
Conferences (live or by telephone)	\$100.00/unit* (maximum of 9 units)
Travel (paid on a portal to portal basis, which is from the time you leave your office until you return, but not to include side trips)	\$100.00/unit* (maximum of 17 units)

If the service provided by <b>all other healthcare providers</b> is...	Then the <b>maximum fee</b> is:
Medical testimony (live or by deposition)	\$23.00/unit* (maximum of 17 units)
Record review	\$23.00/unit* (maximum of 25 units)
Conferences (live or by telephone)	\$23.00/unit* (maximum of 9 units)
Travel (paid on a portal to portal basis, which is from the time you leave your office until you return, but not to include side trips)	\$23.00/unit* (maximum of 17 units)

If the service provided by a <b>vocational provider</b> is...	Then the <b>maximum fee</b> is:
Medical testimony (live or by deposition), regular vocational services	\$23.00/unit*
Medical testimony (live or by deposition), forensic vocational services	\$27.50/unit* (maximum of 17 units)
Record review, regular vocational services	\$23.00/unit*
Record review, regular vocational services, forensic vocational services	\$27.50/unit* (maximum of 25 units)
Conferences (live or by telephone), regular vocational services	\$23.00/unit*
Conferences (live or by telephone), forensic vocational services	\$27.50/unit* (maximum of 9 units)
Travel, regular vocational services	\$23.00/unit*
Travel, forensic vocational services (Paid on a portal to portal basis, which is from the time you leave your office until you return, but not to include side trips)	\$27.50/unit* (maximum of 17 units)

If the service provided by an <b>out of state doctor</b> is...	Then the <b>maximum fee</b> is:
Medical testimony (live or by deposition)	\$125.00/unit* (maximum of 17 units)
Record review	\$125.00/unit* (maximum of 25 units)
Conferences (live or by telephone)	\$125.00/unit* (maximum of 9 units)
Travel (paid on a portal to portal basis, which is from the time you leave your office until you return, but not to include side trips)	\$125.00/unit* (maximum of 17 units)



**Link:** For legal definitions of **Doctor or attending doctor** see: [WAC 296-20-01002](#).

► **Services that aren't covered**

Requests for a nonrefundable amount will be denied.

## ► Requirements for billing

For **State Fund claims**:

- Providers shouldn't use the CPT® code **99075** to bill for these services, *and*
- Bills for these services should be submitted directly to the Office of the Attorney General.



**Note:** State Fund uses a separate voucher **A19** form, which will be provided to you by the Office of the Attorney General.

For **self-insured employer claims**:

- SIEs must allow providers to use CPT® code **99075** to bill for these services, *and*
- Bills for these services should be submitted directly to the SIE/TPA.

## ► Payment limits

### Pre-payment

L&I can't provide pre-payment for any of these services.

### Calculating timed fees

Travel fees are calculated:

- On a portal to portal time basis (from the time you leave your office until you return), *and*
- Don't include side trips.

The time calculation for testimony, deposition, or related work performed in the provider's office or by phone is based upon the actual time used for the testimony or deposition.

### Interpretive services

The party requesting interpretive services for depositions or testimony is responsible for payment.

**Out of state testimony**

Payment for medical testimony for an independent medical examination at the out of state rate will only be made if the examination was conducted out of state. Payment isn't based on the physical address of the examiner.



**Links: Related topics**

If you're looking for more information about...	Then go here:
<b>Administrative rules</b> for definitions	Washington Administrative Code (WAC) 296-20-01002: <a href="http://apps.leg.wa.gov/wac/default.aspx?cite=296-20-01002">http://apps.leg.wa.gov/wac/default.aspx?cite=296-20-01002</a>
<b>Becoming an L&amp;I provider</b>	L&I's website: <a href="http://www.Lni.wa.gov/ClaimsIns/Providers/Becoming/">www.Lni.wa.gov/ClaimsIns/Providers/Becoming/</a>
<b>Billing</b> instructions and forms	Chapter 2: <a href="#">Information for All Providers</a>
<b>Fee schedules</b> for all healthcare services	L&I's website: <a href="http://www.lni.wa.gov/FeeSchedules/">http://www.lni.wa.gov/FeeSchedules/</a>
Legal statute (Washington State law) for physician or licensed advanced registered nurse practitioner's <b>testimony not privileged</b>	Revised Code of Washington (RCW) 51.04.050: <a href="http://apps.leg.wa.gov/RCW/default.aspx?cite=51.04.050">http://apps.leg.wa.gov/RCW/default.aspx?cite=51.04.050</a>

▶ **Need more help?** Call L&I's Provider Hotline at **1-800-848-0811** or email **PHL@lni.wa.gov**