

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

Chapter 15: Medical Testimony

Effective January 1, 2023



Link: Look for possible [updates and corrections](#) to these payment policies on L&I's website.



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Payment policy: Medical testimony and depositions

Who arranges testimonies and depositions

The Office of the Attorney General, the self-insured employer (SIE), the state-fund employer, the retrospective rating group, the injured worker, or attorneys representing them makes arrangements with expert witnesses to provide testimony or deposition.

Responsibilities of providers

Any providers who treated or consulted the injured worker, per WAC 296-20, or examined the workers at the request of the Department or Self-Insured Employer, per RCW [51.36.070](#), must:

- Abide by the fee schedule, *and*
- Testify fully, irrespective of whether paid and called to testify by the Office of the Attorney General, the self-insurer, the state fund employer, the retrospective rating group, the injured worker, or attorneys representing them.



Link: For more information, see [RCW 51.04.050](#).

Reasonable availability

The Office of the Attorney General, the self-insurer, the state fund employer, the retrospective rating group, the injured worker, or attorneys representing them 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 cancellation notice 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	Will pay a cancellation fee for the amount of time you were scheduled to testify, at the allowable rate.
More than 3 working days before a hearing or deposition	Won't pay a cancellation fee.

Services that can be billed

The medical witness fee schedule (see below) is set by the Department in consultation with the Office of the Attorney General. Whoever schedules the testimony, record review, conference, etc. is responsible for payment pursuant to this fee schedule.

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

Fee schedule for testimony and related fees

If the service provided by a doctor, attending ARNP or psychologist is...	Then the maximum fee is:
Medical testimony (live or by deposition)	\$200.00/unit* (maximum of 17 units)
Record review	\$200.00/unit* (maximum of 25 units)
Conferences (live or by telephone)	\$200.00/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)	\$200.00/unit* (maximum of 17 units)

If the service provided by all other healthcare providers is...	Then the maximum fee is:
Medical testimony (live or by deposition)	\$46.00/unit* (maximum of 17 units)
Record review	\$46.00/unit* (maximum of 25 units)
Conferences (live or by telephone)	\$46.00/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)	\$46.00/unit* (maximum of 17 units)

If the service provided by a vocational provider is...	Then the maximum fee is:
Medical testimony (live or by deposition), regular vocational services	\$46.00/unit*
Medical testimony (live or by deposition), forensic vocational services	\$55.00/unit* (maximum of 17 units)
Record review, regular vocational services	\$46.00/unit*
Record review, regular vocational services, forensic vocational services	\$55.00/unit* (maximum of 25 units)
Conferences (live or by telephone), regular vocational services	\$46.00/unit*
Conferences (live or by telephone), forensic vocational services	\$55.00/unit* (maximum of 9 units)
Travel, regular vocational services	\$46.00/unit*
Travel, forensic vocational services	\$55.00/unit*
(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)	(maximum of 17 units)

If the service provided by an out of state doctor is...	Then the maximum fee is:
Medical testimony (live or by deposition)	\$250.00/unit* (maximum of 17 units)
Record review	\$250.00/unit* (maximum of 25 units)
Conferences (live or by telephone)	\$250.00/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)	\$250.00/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 testimony or conferences, etc. arranged by the Office of the Attorney General:

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

For testimony or conferences, etc., arranged by self-insured employers or their attorneys:

- 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.

For testimony or conferences, etc. arranged by injured workers, state fund employers, retrospective rating groups, or their attorneys:

- Bills for these services should be submitted directly to the injured worker, the state fund employer, the retrospective rating group, or their attorneys.

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 to related topics

If you're looking for more information about...	Then see...
Administrative rules for definitions	Washington Administrative Code (WAC) 296-20-01002
Becoming an L&I provider	Become A Provider on L&I's website
Billing instructions and forms	Chapter 2: Information for All Providers
Fee schedules for all healthcare services	Fee schedules on L&I's website
Legal statute (Washington State law) for physician or licensed advanced registered nurse practitioner's testimony not privileged	Revised Code of Washington (RCW) 51.04.050

Need more help?

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