

# IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.09 - MEDICAL FEES

DOCKET NO. 17-0209-1502

## NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 72-508 and 72-803, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by May 27, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Centers for Medicare and Medicaid Services (CMS) created new Comprehensive Ambulatory Payment Classification (C-APC) codes that package a broader range of services into a single bundled payment. The new C-APC codes have significantly increased payments for some orthopedic procedures provided by hospitals and ambulatory surgical centers when applied with the existing language in IDAPA 17.02.09.032. A Temporary Rule was adopted effective January 1, 2015 to stabilize payments and the Commission is now considering a long-term fix.

The Commission will review the standards of reimbursement for inpatient and outpatient rehabilitation services provided in various settings to include: rehabilitation hospitals, distinct part units within non-critical access hospitals, hospital outpatient, and physical therapy clinics.

The Commission will also review the annual adjustment of the medical fee schedule for physician reimbursement, in accordance with Section 72-803, Idaho Code.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Patti Vaughn, Medical Fee Schedule Analyst, (208) 334-6084. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's web site at the following web address: [www.iic.idaho.gov](http://www.iic.idaho.gov).

All written comments must be directed to the undersigned or [beth.kilian@iic.idaho.gov](mailto:beth.kilian@iic.idaho.gov) and must be delivered on or before May 27, 2015.

DATED this 2nd Day of April, 2015.

Mindy Montgomery, Director  
Industrial Commission

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