

Neurosurgery & Pain Specialists of the Carolinas, P.C.

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Fee Schedule, Policies, and Memorandum of Understanding Relating to Approved North Carolina Workers' Compensation claims (effective 9/1/15)

The following information outlines the policies and fees of Neurosurgery and Pain Specialists of the Carolinas, P.C. (N&PS) regarding the performance of services related to North Carolina Worker's Compensation cases (for medicolegal claims other than NC workers' comp, please contact us to obtain the proper schedule). Please review this information carefully. Thereafter, should you wish to proceed with utilizing our services on a claim, please complete the final page of this notice (the Memorandum of Understanding) and return it to us via email, fax, or US mail, and we will proceed as appropriate with the scheduling process (note that if the Referral Request form has already been completed by another individual and is attached, please review and confirm the data). However, if after review of this information, you do not agree to our policies and/or are unable to provide authorization for these services, please notify us of such. Please note that no initial service or evaluation will be confirmed on our schedule until this form and the appropriate payment have been received in our office.

Please note that all medicolegal cases referred to Neurosurgery and Pain Specialists of the Carolinas, P.C. will be seen initially solely by Dr. Curling (i.e., not a PA or other midlevel provider), excepting in unexpected or unforeseen circumstances. Although Dr. Curling will be the primary physician that will be involved in the initial evaluation and the one who will be available to address the medicolegal issues of the case as needed (and in the subsequent coordination of care, if requested and appropriate), the resources and expertise of other providers of the practice will be utilized as appropriate, dependent upon the issue being evaluated.

Note that all new patients/claimants in medicolegal cases are initially seen in the practice for *evaluation only*, with no establishment of a physician-patient relationship, and no guarantee of further evaluation or treatment after the initial evaluation. However, *for those individuals referred for evaluation within 6 months of DOI, further management and coordination of care will usually be offered and initiated following approval of the treatment plan. In limited situations, further evaluation and treatment may be offered for cases referred greater than 6 months following DOI, if deemed appropriate following the initial IME.* Note that your completion of this notice signifies that you are providing authorization only for the initial evaluation; no further diagnostic or therapeutic modalities will be carried out as a result of the initial evaluation without further authorization. If after review of the initial evaluation report by the requesting party and if Dr. Curling feels that he may be able to assist with efforts that would help all parties move towards resolution of the claim, then the practice may be able to further assist with this upon written request (i.e., scheduling and review of further studies, treatment trials, etc.). Note that the initial evaluation provided by Dr. Curling in medicolegal cases (whether records review or personal in-office evaluation) goes well beyond the services typically provided by most physicians in these cases and is therefore billed accordingly at the contracted rates noted below (per NC G.S. 97-26c).

I. Services provided and charges

A. Review of Records *only* (i.e., *without* claimant evaluation) and written or verbal report:

\$1260 Review of records (RR)

(Note that \$1260 is the minimum charge for an initial review and is the amount that must be prepaid. Although this may represent the total fee for the service, if the complexity of the case or the bulk of the

records is such that greater than 4 hours of physician time or 1 hour of clerical time is required to complete a thorough review, additional time charges (at 300/hr MD and 60/hr clerical) will be incurred and will be billed at the time of report submission).

B. N&PS Early Intervention Evaluation—evaluation within 6 months of date of injury (includes review of records, evaluation, written report, and case manager consultation):

\$660 Early Intervention Evaluation (NP1)

For patients referred within 6 months of DOI, Dr. Curling will perform a thorough evaluation and provide a written report documenting recommendations for further evaluation and treatment (or address MMI, etc. if appropriate). If present following the appointment, Dr. Curling will also meet briefly with a case manager to review the initial findings. Following review of the report and approval of the treatment plan by the appropriate party, Dr. Curling will proceed with coordinating care, with the goal of providing the appropriate evaluation and treatment necessary to move the individual towards MMI. If the necessary services are available within the practice, they will be carried out at Neurosurgery and Pain Specialists of the Carolinas; if not available within the practice, Dr. Curling will facilitate referral to the appropriate facility and have the patient return thereafter for review and continued coordination of care.

C. Additional Opinion on Rating (includes review of records, claimant evaluation, and written report; note that case manager consultation is usually not necessary or appropriate if the visit is only to determine additional opinion on rating):

\$1260 Additional opinion on rating (NP2) (or “another examination solely on the percentage of permanent disability” as referenced in NC G.S. 97-27b)

Please note carefully that Dr. Curling does not simply rubberstamp MMI and rating determinations made by other physicians. He will perform a careful and thorough evaluation of all appropriate information in order to establish a diagnosis and assess the status of the individual. If he indeed feels that the individual is at MMI, then a rating will be provided based on NCIC guidelines. In this case, no information other than MMI status and PPI rating will be addressed in the report. However, if the individual is not felt to be at MMI, either because the individual’s course is progressive and/or additional diagnostic or therapeutic modalities are felt to be indicated that would potentially be reasonably necessary to effect a cure, provide relief, or lessen the period of disability, then a rating can not be provided. In that setting, the report will simply indicate that the individual is not at MMI and that no rating can be recommended and no additional information will be addressed in the report. If additional information is subsequently desired, then a full IME may be scheduled upon request. Therefore, if any information other than MMI or PPI status is desired, you must request an IME rather than an opinion on rating. Note also that in many instances even after MMI determination by the treating physician, a full IME may be more appropriate and efficient than a rating opinion in order to address all appropriate issues and to facilitate resolution of the case, as there are often outstanding issues or concerns (of the claimant or others) that may be able to be more readily resolved following a thorough evaluation by Dr. Curling.

D. Independent Medical Evaluation (includes review of records, claimant evaluation, written report, and case manager consultation):

\$1860 IME (NP3) (employer or NCIC requested “independent medical evaluations” as referenced in NC G.S. 97.27a, and employee requested “second opinion examinations” as referenced in NC G.S. 97-25)

An IME by Dr. Curling includes patient/claimant evaluation, review of records and studies available at the time of the initial appointment, and report preparation. If present following the appointment, Dr. Curling will also meet briefly with a case manager to review the initial findings. The report will address diagnosis, diagnostic and treatment recommendations, causality, MMI and PPI status, work status and restrictions, anticipated future medical needs, and prognosis, as appropriate. (Note that \$1860 is the minimum charge for an IME and is the amount that must be prepaid. Although this is often the total fee for the evaluation, if the complexity of the case or the bulk of the records is such that greater than 6 hours of physician time or 1 hour of clerical time is required to complete a thorough evaluation and report, additional time charges as noted below will be incurred and will be billed at the time of report submission)

\$300/hour Physician review of additional materials/studies submitted and completion of follow-up reports generated subsequent to the initial IME appointment, or additional time required during the initial evaluation as necessary to complete a thorough evaluation (*in 10 minute increments, balance billed; note that record organization and other staff work will be billed at \$60/hr*)

E. Testimony and other consultative work

Dr. Curling recognizes that additional information may be required by counsel following the initial evaluation to assist in assessing various medicolegal issues related to these cases. Any follow up review or consultation subsequent to the initial evaluation will be billed at standard time charges (300/hr). In addition, Dr. Curling recognizes that testimony, either via deposition or trial, is frequently required in medicolegal cases and he has established fees and policies regarding the same, which can be provided upon request. Fees for these activities are set at reasonable levels meant to replace practice revenues that would otherwise be lost by occupation with these activities. Time is allotted in his schedule each week for attorney consultations and/or testimony. The most direct method of contacting Dr. Curling for additional consultation or questions is via email at DrDelCurling@DrCurling.com.

II. Payment policies:

A. Prepayment for initial evaluation—Prepayments are required for all initial medicolegal work requested (i.e., IME, rating evaluation, early intervention evaluation, or review of records), with the appropriate fees noted above. If additional time charges are generated beyond the minimum charge (as discussed above for records review or IME), an invoice will be submitted along with the report, which must be paid within 30 days of receipt. Note that these charges represent contracted fees per NC G.S. 97-26c and are not subject to the usual NCIC fee schedule.

B. Payment for follow up office visits—Should arrangements be made for the patient/claimant to return for additional office visits for further evaluation or treatment as recommended in the initial evaluation report (and as discussed above in the second paragraph of this notice), these charges will be billed at the time of the visit. For approved claims, the carrier will be billed utilizing standard claim forms and CPT codes, with timely reimbursement expected per the NCIC fee schedule for such. For visits not approved by the carrier, payment by the claimant or his/her representative will be expected at the time of the visit.

C. Payment for additional attorney consultation—Should legal counsel request additional assistance following the initial evaluation in the form of further review, consultation, preparation of exhibits, etc., this work will be invoiced directly to the attorney at normal time charges (\$300/hr physician, \$60/hr staff, billed in 10 minute increments). Timely payment is expected.

D. Payment for expert witness testimony—Charges for pre-trial testimony in an approved NC worker's compensation case will be submitted to the defense attorney at the conclusion of that service, to be forwarded within 10 days to the NCIC for approval and payment (per NCIC Rule 610.3). If prompt payment is not received following entry of a fee order by the NCIC, a 10% penalty will be assessed per NCIC rules. For non-approved W/C cases, prepayment is required prior to scheduling of testimony; additional information regarding these services and fees can be provided to counsel upon written request.

E. Balances due—The prepayment amounts for initial evaluations must be submitted at the time of scheduling request. Subsequent work will be invoiced following the service. In the event that invoices remain unpaid for 30 days after the date shown on such invoice, then Dr. Curling may, at his sole discretion, withdraw as an expert witness or provider of services in any and all matters involving the claimant by written notice to the requesting party, and shall not be required to provide any additional services in the case, including but not limited to testimony. In addition, application will be made to the NCIC requesting relief, per NC G.S. 97-26i.

F. Refunds of payments for cancellation, rescheduling, or no shows—one third of submitted deposits for review, evaluation, IME, or rating opinion are non-refundable in all cases, to cover administrative and other costs. Following a cancellation, request for rescheduling, or no show, the remaining 2/3 of the deposit amount may be refunded, depending on the time of cancellation, as noted below, based on the likelihood of lost opportunity (practice revenues) due to late cancellations or requests:

If cancelled greater than 30 days prior to scheduled appointment—2/3 refund
If cancelled between 7 and 30 days prior—1/3 refund

If cancelled less than 7 days prior to scheduled appt—no refund

In all cases, requests for rescheduling of appointments by the requesting party after an appointment has been posted and confirmed on our schedule is treated as a cancellation, and subject to the above fees. If the examinee is greater than 30 minutes late for a scheduled appointment, it will be considered a no show and will be treated as a cancellation less than 7 days. If rescheduling is requested for any reason (due to no show, continuance, illness, convenience, etc.), the full deposit or prepayment amount must be replenished prior to rescheduling.

III. Miscellaneous information of importance:

A. Information required prior to an evaluation or review—Dr. Curling does not routinely require submission of records prior to accepting a case, unless there appears to be some question regarding the appropriateness of the referral. However, after a case has been accepted and scheduled, Dr. Curling will review all information provided, and in fact prefers to receive *all* information related to the claim in an effort to facilitate the most thorough and comprehensive review. In addition, *it is essential that actual studies* (X-rays, CT and MRI scans, raw data from electrodiagnostic studies, etc.) are provided for review, and not just written reports. If this information is not provided, then Dr. Curling's evaluation will largely just represent a regurgitation of prior evaluations or opinions, rather than a new and objective opinion based upon the data. While paper records (in chronological order) are preferred, digital records in Word or pdf format are acceptable. Although hard copies of radiographic studies are preferred, digital images (i.e., CD format) are acceptable.

B. Completion of reports—The review, rating opinion, or IME report will be emailed, faxed, and/or mailed from the office as soon as available, typically within 10 business days following the evaluation. Please note that a significant delay may result if all necessary material is not available at the time of the evaluation. Therefore, it is *extremely important* that all appropriate records are supplied at least *2 days prior* to the scheduled evaluation, and that actual films/studies are presented *no later than the evaluation*. If there appears to be necessary information missing (medical records or studies) that will prohibit Dr. Curling from providing a useful evaluation, then the report may be delayed pending receipt and subsequent review of that information. If there is a pressing deadline to receive Dr. Curling's report, please make us aware of that prior to scheduling, as we do make an effort to accommodate these requests.

C. Dissemination of reports—A copy of the report will only be sent initially to the requesting party and to any representative or other party designated in a cover letter by the requesting party (case manager, treating MD, etc.). However, please note that additional copies may be released to appropriate parties, including the patient/claimant, per proper written request, as may be required by applicable laws and regulations.

D. Ratings—*NCIC guidelines* will be utilized for all ratings provided in NC Workers' Compensation cases, where appropriate. In the event that NCIC guidelines are unavailable or do not adequately represent a specific injury (e.g., brain injury), then ratings will be provided based upon AMA Guides to the Evaluation of Permanent Impairment, 6th edition.

E. Specific requests—As noted above, Dr. Curling will address all appropriate issues in the case of an IME, review, or consultation, and only MMI and PPI status in the case of rating opinion evaluations. If you have specific questions that you wish to be addressed or highlighted, please feel free to include that information in a cover letter accompanying the records.

F. Additional information regarding Dr. Curling's practice—We would encourage you to review our website (www.DrCurling.com), which contains additional information regarding the practice, Dr. Curling, scheduling information, directions to the office, etc. If you have any additional questions not addressed in this notice or on the website, please feel free to contact us (email to Scheduling@DrCurling.com).

G. Payment info—Federal tax ID for Neurosurgery and Pain Specialists of the Carolinas, P.C. is 46-3829361. Practice NPI is 1700207818. Dr. Curling's NPI number is 1053571604. Check for payment should be mailed to the PO Box mailing address noted in the letterhead.

Memorandum of Understanding

It is understood and agreed by and between Dr. O. Del Curling, Jr. of Neurosurgery and Pain Specialists of the Carolinas, P.C. and requesting party noted below that the party has requested certain medical services in the form of review of medical records, studies, and other literature, claimant evaluation, expert opinions, and possible expert testimony, as discussed previously in this notice. Dr. Curling has agreed to render those services within the confines of the statutory, regulatory, and common law schemes of the state of North Carolina governing the practice of medicine.

Claimant/patient name (please complete): _____

Initial service requested (please mark choice):

- Review of records (RR)—submit prepayment of \$1260
 Early Intervention Evaluation (NP1)—submit prepayment of \$660; *note again that this service is available only to claimants within 6 months of DOI at time of request*
 Additional opinion on rating (NP2)—submit prepayment of \$1260
 Independent Medical Evaluation NP3)—submit prepayment of \$1860

The parties agree that Dr. Curling has not given any warranty, either expressed or implied, regarding his work under this contract nor regarding the content of his opinions, conclusions, or testimonies proffered under this contract. Moreover, Dr. Curling has neither offered to nor does he intend to provide any medical care in this case at the time of the initial evaluation—i.e., no physician-patient relationship will be established at the time of the initial evaluation.

The requesting party agrees that he/she shall be responsible for the payment of Dr. Curling's fees and expenses as they shall be incurred and billed from time to time, based upon the fees and policies discussed previously in this document. As noted above, in the event that Dr. Curling's request for additional advance retainer or invoices remains unpaid for thirty days after the date shown on such invoice, then Dr. Curling may, at his sole discretion, withdraw as an expert witness in any and all matters involving the requesting party's client/claimant without incurring any liability. Withdrawal by Dr. Curling shall be considered complete upon the giving of written notice of such intent, and he shall not be required to provide any additional services in the case, including but not limited to testimony.

This agreement shall be governed and construed in accordance with the laws of the State of North Carolina and the parties agree that any suit, action, or proceeding arising out of, or with respect to, this agreement, or any judgment entered by any court in respect thereof shall be brought in the courts of the State of North Carolina and venue shall lie exclusively in Forsyth County, North Carolina.

Agreed to this _____ day of _____, 20____

Requesting party (print and sign)

O. Del Curling, Jr., MD, MBA