

# CHARLOTTE SURGERY CENTER

*an affiliate of SCA*

October 6, 2016

Charlton L. Allen, Chairman  
North Carolina Industrial Commission  
430 N. Salisbury Street  
Raleigh, NC 27603

Dear Chairman Allen and Commissioners:

Thank you for the opportunity to present comments in response to possible rulemaking options for the maximum allowable amounts for services provided by ambulatory surgical centers ("ASCs") in Workers' Compensation cases under North Carolina's Workers' Compensation Act. Please accept this letter in support of the proposal submitted by Surgical Care Affiliates, LLC ("SCA") on September 26, 2016 to amend the previously declared invalid Rule 04 NCAC 10J .0103 specific to the fee schedule under North Carolina's Workers' Compensation Act for services provided by ambulatory surgical centers (ASCs).

Charlotte Surgery Center is a multi-specialty ambulatory surgery center affiliated with Surgical Care Affiliates. We have been serving Mecklenburg County cost effectively for over 30 years, and have performed 7,000 Worker's Comp cases since 2009.

We are currently working with self-insured employers to move Worker's Comp cases from the higher cost hospital setting to Charlotte Surgery Center, particularly from surrounding markets where there is not an ASC option. The savings opportunity versus inpatient hospital rates is significant. Should the cuts to Worker's Comp rates drive ASC's to exit the market, as has happened in other states, leaving only the inpatient hospitals to serve the Worker's Comp patients, a significant financial burden would be placed on both the insurers and the self-insured employers they represent.

In April 2015, the Industrial Commission established new Workers' Compensation fee schedules for hospitals, physicians, and ASCs. However, in promulgating regulations to establish a new fee schedule for ASCs, the Industrial Commission failed to follow the required process set forth in the Administrative Procedure Act. Consequently, the fee schedule was ruled invalid on August 9, 2016 by Wake County Superior Court Judge Paul Ridgeway.

In response to the Court's order invalidating the April 1, 2015 fee schedule for ASCs, the Commission has requested proposals to amend Rule 04 NCAC 10J .0101, .0102, and .0103.

Charlotte Surgery Center is in full support of SCA's proposal to align reimbursement rates for ASCs with the reimbursement rates set for hospital outpatient departments. We fully agree

that alignment of reimbursement schedules allows for site-of-service decisions to be based solely on clinical judgment, quality outcomes, and scheduling efficiency. We also believe that the 40% cost savings of \$8.8 million, versus the currently valid fee schedule of 67% of billed charges, accomplishes the cost saving goals of the Commission while protecting the aforementioned clinical goals.

In addition, we fully support SCA's proposal to cover procedures that were being conducted in ASCs prior to the enactment of the invalid fee schedule on April 1, 2015. Excluding the procedures that were previously performed at ASCs will result in an access problem for injured workers, which would violate the statutory requirements of ensuring injured workers are provided the services and standard of care required by the Workers' Compensation Act.

Finally, we strongly oppose the three proposals submitted by insurance carriers, third-party administrators, and the North Carolina Hospital Association. The three proposals all recommend a significantly reduced fee schedule for ASCs, which would limit injured workers' access to timely care.

Thank you for your consideration. If you have any questions, please feel free to contact me at 704-617-7324.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Lally', written over a white background.

Thomas J. Lally  
C.E.O.

cc: Kendall Bourdon  
Meredith Henderson

October 10, 2016

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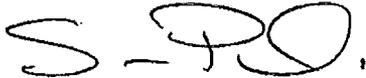
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The other three proposals are not cost effective and so do not meet statutory requirement of the North Carolina Workers Compensation Act. North Carolina law requires that fee schedules adopted by the Commission be adequate to ensure that injured workers are provided the standard of services and care intended by the Workers' Compensation Act and that providers are reimbursed reasonable fees for providing these services. The three other proposals do not meet these requirements.

Lastly, the analysis conducted by NCCI does not take into consideration the shift of injured workers from the ASC setting to the more-costly hospital inpatient setting, therefore, underestimating the cost to the workers' compensation system.

Thank you for your consideration.

Sincerely,

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SEAN RAMBO  
PRESIDENT/COO, COMPASS SURGICAL PARTNERS

cc: Kendall Bourdon  
Meredith Henderson

FAYETTEVILLE AMBULATORY SURGERY CENTER  
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Thank you for your consideration.

Sincerely,

  
Debbie Long,  
Business Office Manager

cc: Kendall Bourdon  
Meredith Henderson

# BLUE RIDGE SURGERY CENTER

an affiliate of 

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Sincerely,

*Kathy Beir, Administrator*

cc: Kendall Bourdon  
Meredith Henderson

# RALEIGH ORTHOPAEDIC

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Raleigh, NC 27612

**Cary Office**  
222 Ashville Avenue #20  
Cary, NC 27518



**Team Physicians**

Carolina  
Hurricanes



N.C. State  
University

**Garner Office**  
1325 Timber Drive East  
Garner, NC 27529

**North Raleigh Office**  
10880 Durant Road #300  
Raleigh, NC 27614

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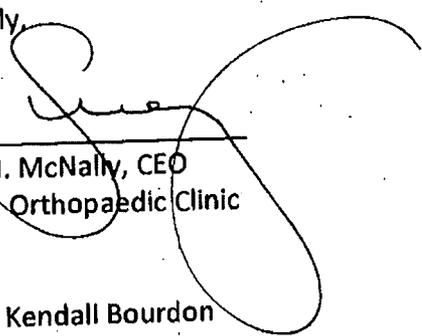
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Sean M. McNally, CEO  
Raleigh Orthopaedic Clinic

cc: Kendall Bourdon  
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# EASTERN REGIONAL SURGICAL CENTER



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Thank you for your consideration.

Sincerely,



Robert Satterfield, MD  
Orthopaedic Surgeon

cc: Kendall Bourdon  
Meredith Henderson

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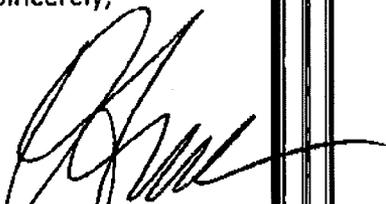
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Douglas Freels, MD  
Orthopaedic Surgeon

cc: Kendall Bourdon  
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B. Todd Smith, MD  
Orthopaedic Surgeon

cc: Kendall Bourdon  
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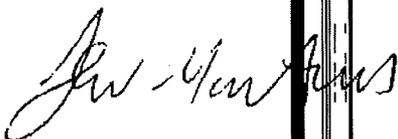
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Lew Martin, MD  
Orthopaedic Surgeon

cc: Kendall Bourdon  
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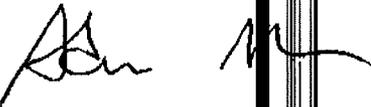
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The other three proposals are not cost effective and so do not meet statutory requirement of the North Carolina Workers Compensation Act. North Carolina law requires that fee schedules adopted by the Commission be adequate to ensure that injured workers are provided the standard of services and care intended by the Workers' Compensation Act and that providers are reimbursed reasonable fees for providing these services. The three other proposals do not meet these requirements.

Lastly, the analysis conducted by NCCI does not take into consideration the shift of injured workers from the ASC setting to the more-costly hospital inpatient setting, therefore, underestimating the cost to the workers' compensation system.

Thank you for your consideration.

Sincerely,



Adam Thorp, MD  
Orthopaedic Surgeon

cc: Kendall Bourdon  
Meredith Henderson

# EASTERN REGIONAL SURGICAL CENTER

October 10, 2016

Charlton L. Allen, Chairman  
North Carolina Industrial Commission  
430 N. Salisbury Street  
Raleigh, NC 27603

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Sincerely,



Zizette Gabriel, MD  
Anesthesiologist / Pain Management

cc: Kendall Bourdon  
Meredith Henderson

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Sincerely,



Ann DuPree Orr, RN BSN CNOR  
Administrator – Team Carolinas

cc: Kendall Bourdon  
Meredith Henderson

# BLUE RIDGE SURGERY CENTER

an affiliate of 

October 3, 2016

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# BLUE RIDGE SURGERY CENTER

an affiliate of **SOA**

Thank you for your consideration. If you have any questions, please feel free to contact me at (919)-781-4311.

Sincerely,



Hons Rohm

cc: Kendall Bourdon  
Meredith Henderson

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October 3, 2016

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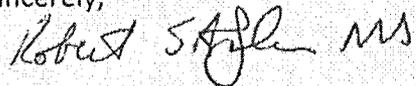
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# BLUE RIDGE SURGERY CENTER

an affiliate of 

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Sincerely,



Dr. Alphin, M.D. Medical Director

cc: Kendall Bourdon  
Meredith Henderson

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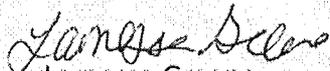
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Sincerely,

  
Larnessa Greene

cc: Kendall Bourdon  
Meredith Henderson

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# BLUE RIDGE SURGERY CENTER

an affiliate of **SCA**

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Sincerely,



Becky Ballard

cc: Kendall Bourdon  
Meredith Henderson

# BLUE RIDGE SURGERY CENTER

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October 3, 2016

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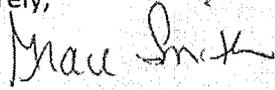
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Grace Smith

cc: Kendall Bourdon  
Meredith Henderson

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Sincerely,



Sabrina Robinson

cc: Kendall Bourdon  
Meredith Henderson

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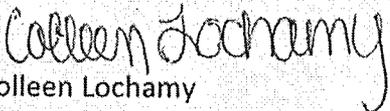
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Sincerely,

  
Colleen Lochamy

cc: Kendall Bourdon  
Meredith Henderson

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*parrish dickens*

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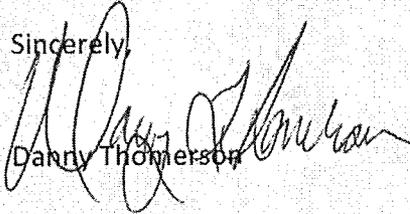
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# BLUE RIDGE SURGERY CENTER

an affiliate of **SCA**

Thank you for your consideration. If you have any questions, please feel free to contact me at (919)-781-4311.

Sincerely,



Danny Thomerson

cc: Kendall Bourdon  
Meredith Henderson

# BLUE RIDGE SURGERY CENTER

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October 3, 2016

Charlton L. Allen, Chairman  
North Carolina Industrial Commission  
430 N. Salisbury Street  
Raleigh, NC 27603

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Sincerely,



Cassandra Clark

cc: Kendall Bourdon  
Meredith Henderson

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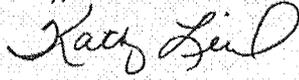
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Sincerely,



Kathy Leibl, Administrator

cc: Kendall Bourdon  
Meredith Henderson

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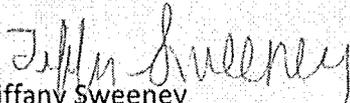
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Sincerely,

  
Tiffany Sweeney

cc: Kendall Bourdon  
Meredith Henderson

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October 3, 2016

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cc: Kendall Bourdon  
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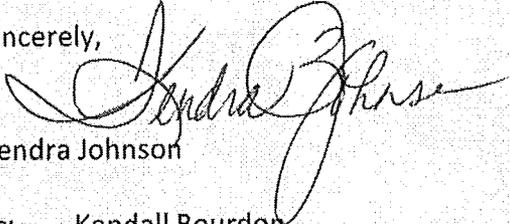
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Sincerely,



Kendra Johnson

cc: Kendall Bourdon  
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# CARY ORTHOPAEDICS



& spine specialists

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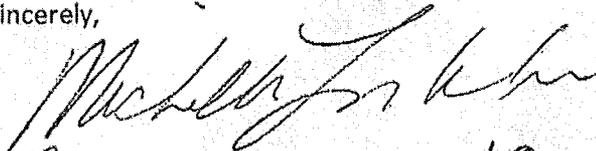
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Sincerely,

  
Revenue and Special Operations Director

cc: Kendall Bourdon  
Meredith Henderson

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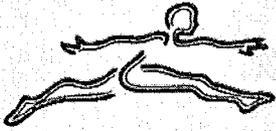
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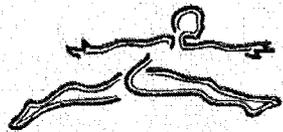
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WILLIAM R. ANDERSEN, MD, FIAAOS

cc: Kendall Bourdon  
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*Christie Gracyk, RTR*

cc: Kendall Bourdon  
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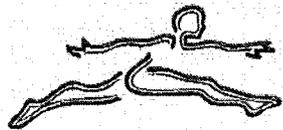
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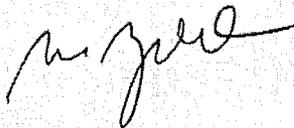
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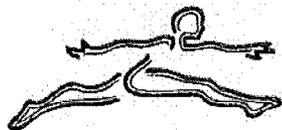
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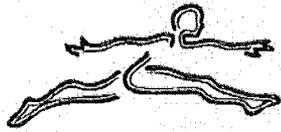
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# GARY ORTHOPAEDICS



& spine specialists

www.caryortho.com

Douglas L. Gollehon, M.D.  
Brian T. Szura, M.D.  
Douglas J. Martini, M.D.  
William K. Andersen, M.D.  
Derek L. Retnke, M.D.  
Mark A. Curzan, M.D.  
Raymond M. Carroll, M.D.  
Edouard F. Armour, M.D.  
Demetri M. Economides, D.O.

Sameer Mathur, M.D.  
Scott S. Sanitate, M.D.  
Gary L. Smoot, M.D.  
Christopher Lin, M.D.  
Nicole P. Bullock, M.D.  
Paul G. Singh, M.D.  
Nael Shanti, M.D.

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Finally, we strongly oppose the three proposals submitted by insurance carriers, third-party administrators, and the North Carolina Hospital Association. The three proposals all recommend a significantly reduced fee schedule for ASCs, which would limit injured workers' access to timely care.

Thank you for your consideration. If you have any questions, please feel free to contact me our office at (919) 467-4992.

Sincerely,

  
Administrative Director

cc: Kendall Bourdon  
Meredith Henderson

October 10, 2016

Charlton L. Allen, Chairman  
North Carolina Industrial Commission  
430 N. Salisbury Street  
Raleigh, NC 27603

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Thank you for your consideration.

Sincerely,

*Dellie Murphy, Administrator*

cc: Kendall Bourdon  
Meredith Henderson



# Triad Foot Center

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NORMAN S. REGAL, DPM, FACFAS

M. TODD HYATT, DPM, FACFAS

MATTHEW R. WAGONER, DPM

GREGORY A. MAVER, DPM

RICHARD C. TUCHMAN, DPM, FACFAS

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**GREENSBORO OFFICES:**

2706 St. Jude Street  
Greensboro NC 27405

Brassfield Professional Center  
2014-C New Garden Road  
Greensboro NC 27410

**BURLINGTON OFFICE:**

1680 Westbrook Ave.  
Burlington NC 27215

**ASHEBORO OFFICE:**

220-B Foust Street  
Asheboro NC 27203

(336) 375-6990

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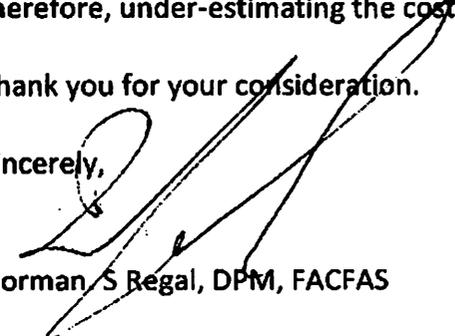
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Sincerely,



Norman S Regal, DPM, FACFAS

cc: Kendall Bourdon  
Meredith Henderson

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Sincerely,

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Christine L. McCuen, MD

cc: Kendall Bourdon  
Meredith Henderson



October 10, 2016

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ORTHOPAEDIC &  
HAND SPECIALISTS, PA

---

Gary R. Kuzma, M.D.  
Matthew A. Weingold, M.D.  
Sam Pelligrò, M.D.  
Kevin R. Kuzma, M.D.  
Robert Dasnoit, PA-C  
Katherine Hilliard, OTR/L CHT  
Terri Rowland, OTR/L CHT  
Carol Kinneman, PT, ATC  
Lynne Inman, RN

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Surgery Of The Hand,  
Shoulder & Upper Extremity  
Fractures  
Microsurgery  
Electrodiagnostic Testing  
Occupational Injuries  
Hand & Arm Rehabilitation

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Diplomates American Board  
Of Orthopaedic Surgery

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Diplomate, American Board  
Of Physical Medicine &  
Rehabilitation

---

American Society For  
Reconstructive Microsurgery

---

Fellows American Academy  
Of Orthopaedic Surgeons

Fellow American  
College Of Surgeons

Certified By American Board  
Of Orthopaedic Surgery:

Additional Qualifications In  
Surgery Of The Hand

---

Members: American Society  
For Surgery Of The Hand

---

Orthopaedic  
And Hand Specialists, PA

2718 Henry St.  
Greensboro, NC 27405

Phone: 336-375-1007  
FAX: 336-375-9615

October 10, 2016

Page 2

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Sincerely,

A handwritten signature in black ink that reads "Jennifer P. Gochen". The signature is written in a cursive style with a large, looped initial "J".

cc: Kendall Bourdon  
Meredith Henderson

#### ORTHOPAEDICS

James P. Aplington, M.D., F.A.A.O.S., F.A.C.S.  
Ronald A. Cioffre, M.D., F.A.A.O.S., F.A.C.S.  
R. Andrew Collins, M.D., F.A.A.O.S.  
Jeffrey C. Beane, M.D., F.A.A.O.S.  
Kevin M. Supple, M.D., F.A.A.O.S., C.A.Q.S.M.  
Frank V. Aluisio, M.D., F.A.A.O.S.  
William M. Gramig, III, M.D., F.A.A.O.S., C.A.Q.S.H.  
Paul A. Bednarz, M.D., F.A.A.O.S.  
Steven R. Norris, M.D., F.A.A.O.S., C.A.Q.S.H.  
Matthew D. Olin, M.D., F.A.A.O.S.  
Fred W. Ortmann, IV, M.D., F.A.A.O.S.  
Dahari D. Brooks, M.D., F.A.A.O.S.  
John D. Hewitt, M.D., F.A.A.O.S.



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- Physical Medicine and Rehabilitation
- Fellows American Academy of Orthopaedic Surgeons
- Diplomates American Board of Orthopaedic Surgery

#### PHYSICAL MEDICINE & REHABILITATION

Richard D. Ramos, M.D., F.A.A.P.M.R.

#### FAMILY PRACTICE / SPORTS MEDICINE

Adam Scott Kendall, M.D., A.B.F.M.  
CAQ Sports Medicine

#### RETIRED PHYSICIANS

Samuel A. Sue, Jr., M.D., F.A.A.O.S., F.A.C.S. (Ret. 2002)  
Philips J. Carter, M.D., F.A.A.O.S., F.A.C.S. (Ret. 2004)  
Thomas L. Presson, M.D., F.A.A.O.S., A.O.F.A.S. (Ret. 2001)

#### ADMINISTRATION

John S. Nosek, M.P.A., C.M.P.E.  
Executive Director

October 10, 2016

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North Carolina Industrial Commission  
430 N. Salisbury Street  
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Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven R. Morris".

cc: Kendall Bourdon  
Meredith Henderson



**GUILFORD  
ORTHOPAEDIC**  
AND SPORTS MEDICINE CENTER

Sports Medicine Center

1915 Lendew Street · Greensboro, NC 27408

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Physical Therapy Appointments: 336.275.7405

[www.guilfordortho.com](http://www.guilfordortho.com)

Vincent E. Paul, M.D., FAAOS

Frank J. Rowan, M.D., FAAOS

Peter G. Dalldorf, M.D., FAAOS

John L. Graves, M.D., FAAOS

Jesse W. Chandler, M.D.

Mark L. Dumonski, M.D.

David A. Thompson, M.D., FAAOS

Dominic W. McKinley, M.D.

Hao Wang, M.D.

Raymond Kargo, MSPT

Meissa Strickland, Administrator

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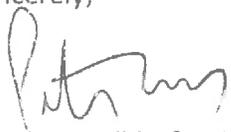
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Peter G. Dalldorf, MD

cc: Kendall Bourdon  
Meredith Henderson



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Thank you for the opportunity to present comments in response to possible rulemaking options for the maximum allowable amounts for services provided by ambulatory surgical centers ("ASCs") in Workers' Compensation cases under North Carolina's Workers' Compensation Act. Please accept this letter in support of the proposal submitted by Surgical Care Affiliates, LLC ("SCA") on September 26, 2016 to amend the previously declared invalid Rule 04 NCAC 10J .0103 specific to the fee schedule under North Carolina's Workers' Compensation Act for services provided by ambulatory surgical centers (ASCs).

In April 2015, the Industrial Commission established new Workers' Compensation fee schedules for hospitals, physicians, and ASCs. However, in promulgating regulations to establish a new fee schedule for ASCs, the Industrial Commission failed to follow the required process set forth in the Administrative Procedure Act. Consequently, the fee schedule was ruled invalid on August 9, 2016 by Wake County Superior Court Judge Paul Ridgeway.

In response to the Court's order invalidating the April 1, 2015 fee schedule for ASCs, the Commission has requested proposals to amend Rule 04 NCAC 10J .0101, .0102, and .0103.

We are in full support of SCA's proposal to align reimbursement rates for ASCs with the reimbursement rates set for hospital outpatient departments. We fully agree that alignment of reimbursement schedules allows for site-of-service decisions to be based solely on clinical judgment, quality outcomes, and scheduling efficiency.

In addition, we fully support SCA's proposal to cover procedures that were being conducted in ASCs prior to the enactment of the invalid fee schedule on April 1, 2015. Excluding the procedures that were previously performed at ASCs has resulted and will continue to result in an access problem for injured workers, which violates the statutory requirement of ensuring injured workers are provided the services and standard of care required by the Workers' Compensation Act.

We strongly oppose the three proposals submitted by insurance carriers, third-

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party administrators, and the North Carolina Hospital Association. The three proposals all recommend a significantly reduced fee schedule for ASCs, which would limit injured workers' access to timely care and also fail to meet the statutory requirement that ASCs receive reasonable fees.

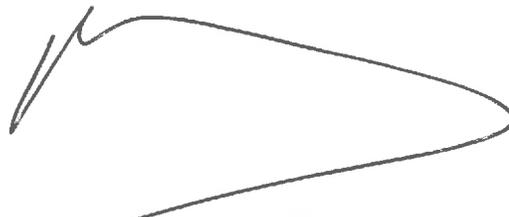
It is also very significant that the other three proposals do not address all procedures that were being conducted in ambulatory surgery centers prior to the enactment of the invalid fee schedule on April 1, 2015. By limiting injured workers access to care for all procedures that have been historically performed in the ASC setting, workers will be forced to receive care in the higher-cost inpatient hospital setting.

The other three proposals are not cost effective and so do not meet statutory requirement of the North Carolina Workers Compensation Act. North Carolina law requires that fee schedules adopted by the Commission be adequate to ensure that injured workers are provided the standard of services and care intended by the Workers' Compensation Act and that providers are reimbursed reasonable fees for providing these services. The three other proposals do not meet these requirements.

Lastly, the analysis conducted by NCCI does not take into consideration the shift of injured workers from the ASC setting to the more-costly hospital inpatient setting, therefore, under-estimating the cost to the workers' compensation system.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kendall Bourdon". The signature is fluid and cursive, with a large loop at the end.

cc: Kendall Bourdon  
Meredith Henderson