



Triangle Orthopaedics Surgery Center

Triangle Orthopaedic Associates, P.A. affiliate organization

October 3, 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).

Triangle Orthopaedics Surgery Center (TOSC) is an accredited, two Operating Room, single specialty, orthopaedic ASC located at 7921 ACC Blvd. in Raleigh. TOSC was awarded one of three demonstration project CONs to develop a physician owned ASC as outlined in the State Health Coordinating Council's 2010 State Medical Facilities Plan. Since opening in 2013, Triangle Orthopaedics Surgery Center has served over 7000 patients. It is the mission of TOSC and its physician owners to provide access to safe, high quality outpatient surgical care in a cost effective manner, allowing physicians and patients active involvement in directing the care that is delivered to all members of our community.

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.

Triangle Orthopaedics 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.

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www.triangleorthosurgerycenter.com



Triangle Orthopaedics Surgery Center

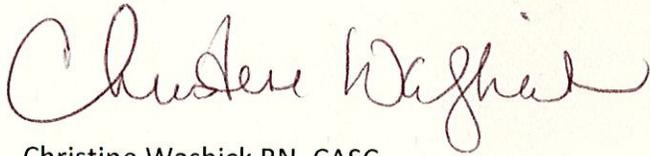
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In addition, we fully support SCA's proposal to cover procedures that were being conducted in ASCs prior to the enactment of the invalid fee schedule on April 1, 2015. Excluding the procedures that were previously performed at ASCs will result in an 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 (919)596-8524.

Sincerely,



Christine Washick RN, CASC
Administrator
Triangle Orthopaedics Surgery Center, LLC

cc: Kendall Bourdon
Meredith Henderson