

## **Physician Testimony/Deposition**

Physicians and surgeons may be called upon or may be issued a subpoena, which is a legal instrument of the court requiring any citizen to appear in court as a witness at a specified time, to testify as an expert witness before the Workers' Compensation Board. The expert witness is legally bound to declare his/her knowledge of the case and express medical opinions according to the rules of the court.

Hearings are conducted in an informal manner. Witnesses are sworn and their testimony is recorded. Generally, the parties to the claim offer medical testimony related to the extent of the injury and whether the injured employee is physically able to return to his/her former job duties or is able to accept other more limited employment.

In most instances, testimony of physicians is obtained through deposition. The deposition generally serves to relieve the physician of the necessity of going to court. Physicians and surgeons shall be given two weeks prior notice to giving medical testimony, and such testimony shall be scheduled at a mutually agreeable time and place. Charges for medical testimony should be reported using CPT code 99075 and paid within 30 days from receipt of billing.

Payment for a deposition will be based on actual time spent reviewing medical records before giving medical testimony and actual time spent testifying. The following hourly rate will establish the maximum allowable reimbursement for this service:

### **Time Rate**

- \$600.00 – first hour or parts thereof
- \$150.00 – each additional 15 minutes

**(April 1, 2011)**