

MEMORANDUM

To: Sen. Jessica Ramos, Chair, Senate Labor Committee
Sen. Jack M. Martins, Ranking Member
Sen. Nathalia Fernandez
Sen. Andrew Gounardes
Sen. Robert Jackson
Sen. Mario R. Mattera
Sen. Shelley B. Mayer
Sen. Peter Oberacker
Sen. Steven D. Rhoads
Sen. Sean M. Ryan
Sen. James Sanders, Jr.
Sen. Jessica Scarcella-Spanton
Sen. James Skoufis

From: RedLand Strategies

Date: May 15, 2024

Re: Remote Surgical Monitoring Benefits For Injured Workers and Employers

Thank you for holding a public hearing on improvements for the Workers Compensation System. This Memorandum is submitted on behalf of **United Medical Monitoring**, a professional service corporation that manages 22 surgeon-owned entities and oversees 1475 workers compensation surgeries annually. Ensuring improved health outcomes for injured workers and helping them return to work are their top priorities.

Essential to delivering these positive outcomes is the use of remote Intraoperative Neurophysiological Monitoring (IOM) services. Modern technology is deployed to allow another physician to monitor the most complex and risky surgeries from outside the operating room. This provides another set of eyes to protect injured workers and offers the following benefits:

- Prevents severe injury in complex surgeries.
- Maximizes patient accessibility to qualified neurologists.
 - This is particularly important due to a national shortage of neurologists.
- Remains a trusted practice by nearly all practicing physicians.
- Ensures the expeditious delivery of care to injured workers.

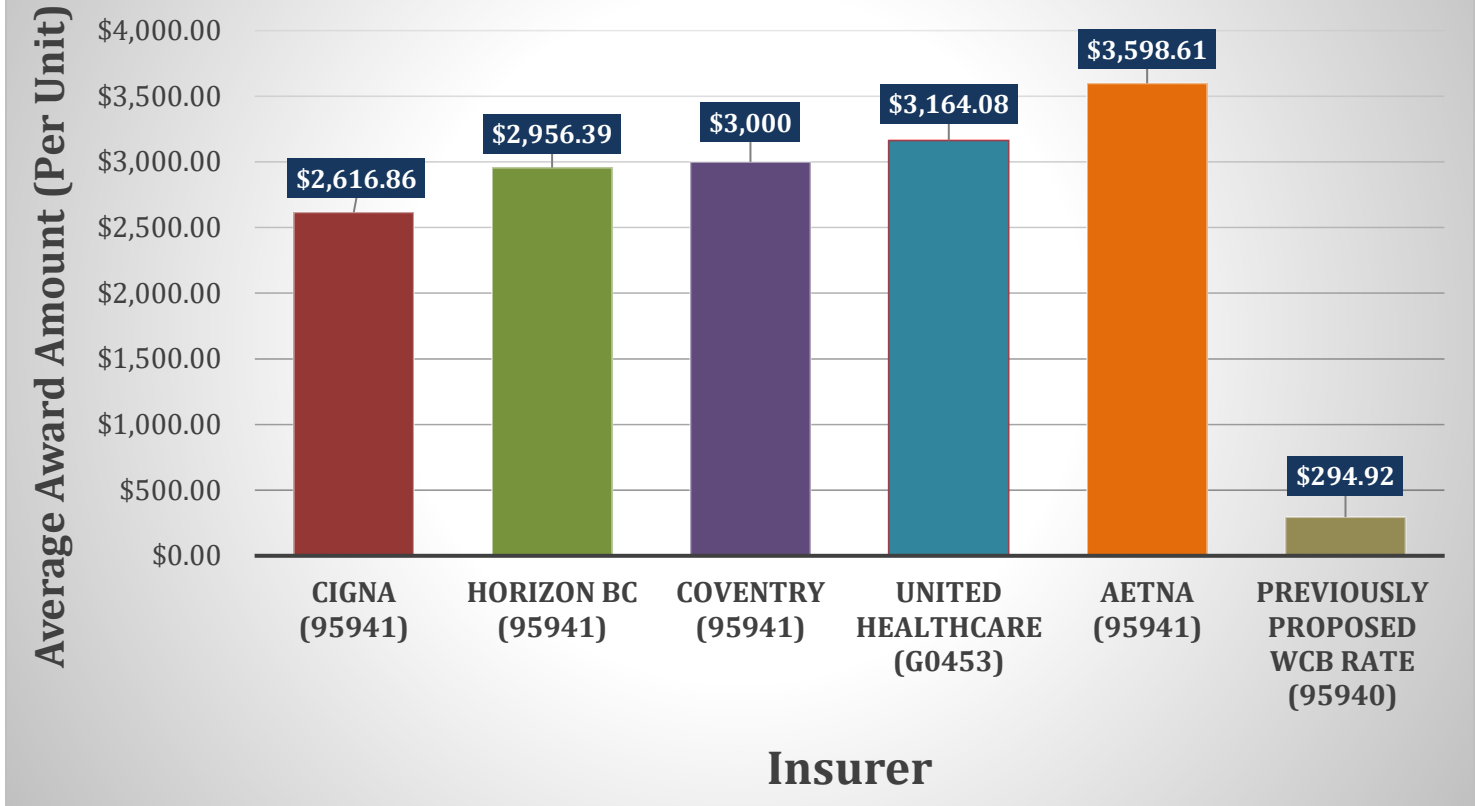
The Worker's Compensation System in New York must stabilize the delivery of Remote Intraoperative Neurophysiological Monitoring by creating a fair reimbursement rate that is reasonable, consistent, and predictable for all: patients, providers, and payors.

In the past, the Board has attempted (through rulemaking) to eliminate reimbursement for this service completely or make its reimbursement rate so low, as to be impracticable for physicians to provide the service.¹ Please see the chart below:

¹ New York State Register Vol. XLIV Issue 9. March 2, 2022. I.D. No. WCB-09-22-00002-P
(<https://dos.ny.gov/system/files/documents/2022/03/030222.pdf>)



Intraoperative Neurophysiological Monitoring Private Insurers vs. Previously Proposed WCB Rate



Fortunately, a concerted effort by patients, providers and payors resulted in the expiration of those proposed rules without them becoming effective.²

It would be appreciated if this topic can be explored during the hearing, so that its importance can be highlighted to Board Staff and the larger Worker’s Compensation community.

Sample Questions of Board Staff include:

- Are you familiar with Remote Surgical Monitoring?
- Do you believe that it has benefits in terms of reducing surgical injury?
- Would the Board be open to further discussion with remote surgical providers about stabilizing reimbursement rates?

We appreciate your time and consideration of this important issue.

² New York State Register Vol. XLV, Issue 25. June 21, 2023 I.D. No. WCB-09-22-00002-RP (<https://dos.ny.gov/system/files/documents/2023/06/062123.pdf>)

