

**R590. Insurance, Administration.**

**R590-267. Personal Injury Protection Relative Value Study Rule.**

**R590-267-1. Authority.**

This rule is promulgated by the insurance commissioner pursuant to Subsections 31A-2-201(3) and 31A-22-307(2).

**R590-267-2. Purpose.**

(1) The purpose of this rule is to establish a reasonable value of services and accommodations for the diagnosis, care, recovery, or rehabilitation of an injured person under automobile personal injury protection coverage as described in Subsection 31A-22-307(1)(a).

(2) As required by Subsection 31A-22-307(2), the reasonable value is based on the 75th percentile of medical, dental, and chiropractic charges, as they presently exist in the most populous county in this State.

**R590-267-3. Scope.**

This rule applies to services and accommodations provided:

(1) under automobile personal injury protection coverage as described in Subsection 31A-22-307(1)(a); and

(2) on or after January 1, 2014.

**R590-267-4. Definitions.**

(1) As used in this rule "Conversion Factor" means a multiplier used to convert the relative value unit or units of a service or a procedure to a reimbursement rate.

(2) As used in this rule "RVD [2015]2017" means [2015]2017 Edition of the Relative Values for Dentists published by Optum360, 2525 Lake Park Blvd., Salt Lake City, UT 84120; phone: (800) 464-3649; email: customerassistance@optum.com; website: www.optumcoding.com.

(3) As used in this rule "RVD [2013]2015" means [2013]2015 Edition of the Relative Values for Dentists published by [Relative Values Studies, Inc., 12301 N. Grant St., Suite 230, Thornton, CO, 80241; phone: (866) 310-7874; email: info@rvsdata.com; website: www.rvsdata.com]Optum360, 2525 Lake Park Blvd., Salt Lake City, UT 84120; phone: (800) 464-3649; email: customerassistance@optum.com; website: www.optumcoding.com.

(4) As used in this rule "RVP [2015]2017" means [2015]2017 Edition of the Relative Values for Physicians published by Optum360, 2525 Lake Park Blvd., Salt Lake City, UT 84120; phone: (800) 464-3649; email: customerassistance@optum.com; website: www.optumcoding.com.

(5) As used in this rule "RVP [2013]2015" means [2013]2015 Edition of the Relative Values for Physicians published by Optum 360, 2525 Lake Park Blvd., Salt Lake City, UT 84120; phone: (800) 464-3649; email: customerassistance@optum.com; website: www.optumcoding.com.

(6) As used in this rule "Relative Value Unit" means a numerical value assigned to a medical or dental procedure as published in RVP and RVD respectively.

(7) The publications identified in Subsections R590-267-4(2), (3), (4), and (5) are hereby incorporated by reference within this rule.

**R590-267-5. Conversion Factors.**

(1) (a) The following conversion factors shall be used with RVP [~~2015~~]2017 to determine the reasonable value of medical services or accommodations provided on or after January 1, [~~2016~~]2018:

- (i) anesthesia, [~~97.13~~]99.27;
- (ii) surgery, [~~200.00~~]225.90;
- (iii) radiology, [~~35.84~~]37.50;
- (iv) pathology, [~~24.29~~]25.00;
- (v) medicine, [~~11.67~~]13.00;
- (vi) evaluation and management, [~~13.16~~]14.65.

(b) The conversion factor used with RVD [~~2015~~]2017 to determine the reasonable value of dental services or accommodations provided on or after January 1, [~~2016~~]2018 shall be [~~60.00~~]63.00.

(2) (a) The following conversion factors shall be used with RVP [~~2013~~]2015 to determine the reasonable value of medical services or accommodations provided from January 1, [~~2014~~]2016 through December 31, [~~2015~~]2017:

- (i) anesthesia, [~~91.57~~]97.13;
- (ii) surgery, [~~180.00~~]200.00;
- (iii) radiology, [~~35.18~~]35.84;
- (iv) pathology, [~~23.85~~]24.29;
- (v) medicine, [~~10.87~~]11.67;
- (vi) evaluation and management, [~~11.85~~]13.16.

(b) The conversion factor used with RVD [~~2013~~]2015 to determine the reasonable value of dental services or accommodations provided from January 1, [~~2014~~]2016 through December 31, [~~2015~~]2017 shall be [~~55.00~~]60.00.

**R590-267-6. Fee Schedule.**

The reasonable value of any service or accommodation shall be calculated by multiplying the relative value unit assigned to the service or accommodation by the applicable conversion factor prescribed in R590-267-5.

**R590-267-7. Penalties.**

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

**R590-267-8. Severability.**

If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY: relative value study**

**Date of Enactment or Last Substantive Amendment: January 1, 2016**  
**Authorizing, and Implemented or Interpreted Law: 31A-2-201(3); 31A-22-307(2)**

|                                   | FY 2018      | FY 2019 | FY 2020      |
|-----------------------------------|--------------|---------|--------------|
| <b>Fiscal Costs</b>               |              |         |              |
| State Government                  | \$1,180      | \$0     | \$1,180      |
| Local Government                  | \$0          | \$0     | \$0          |
| Small Businesses                  | \$1,166,890  | \$0     | \$1,166,890  |
| Non-Small<br>Businesses           | \$97,350     | \$0     | \$97,350     |
| Other Persons                     | \$0          | \$0     | \$0          |
| <b>Total Fiscal<br/>Costs:</b>    | \$1,265,420  | \$0     | \$1,265,420  |
| <b>Fiscal Benefits</b>            |              |         |              |
| State Government                  | \$0          | \$0     | \$0          |
| Local Government                  | \$0          | \$0     | \$0          |
| Small Businesses                  | \$0          | \$0     | \$0          |
| Non-Small<br>Businesses           | \$0          | \$0     | \$0          |
| Other Persons                     | \$0          | \$0     | \$0          |
| <b>Total Fiscal<br/>Benefits:</b> | \$0          | \$0     | \$0          |
| <b>Net Fiscal<br/>Benefits:</b>   | -\$1,265,420 | \$0     | -\$1,265,420 |

The provisions of the rule are in effect for 2018 and 2019. It is expected that businesses will purchase the RVP or RVD in FY 2018, and will not have any additional costs in FY 2019. The rule will be amended for 2020 using updated data, and using updated versions of the RVP and RVD.

In performing the thorough fiscal analysis, the Department used the following NAICS classifications:

- 621111 - Offices of Physicians (except Mental Health Specialists)
- 621210 - Offices of Dentists
- 621310 - Offices of Chiropractors
- 524126 - Direct Property and Casualty Insurance Carriers
- 524114 - Direct Health and Medical Insurance Carriers