

August 25, 2025

Ms. Heather Jordan, Director
State of NM Workers Compensation Administration
2410 Centre Ave SE,
Albuquerque, NM 87106

Dear Ms. Jordan,

I am writing to you to respond specifically to a comment made in the public forum about the proposed changes to the deposition and deposition preparation fee schedule for physicians.

The comment states that the proposed increase in reimbursement for physicians for depositions (for the first hour) is 200%. This is incorrect. The proposed increase for deposition fees (going from \$400/hour to \$800/hour—is a 100% increase (not 200%). The comment also says that the proposed fee for subsequent hours for depositions represents an increase of 222.2% –this is also incorrect as the proposed fee for subsequent hours after the first hour is \$800/hour (up from \$360/hour –this is a 122.2% increase and not 222.2%).

Similarly, the comment misstates the proposed increase in fee schedule reimbursement for deposition preparation stating that the proposed changes are an increase of 222.22% for the first hour. This is incorrect. The current fee schedule is \$200/hour for the first hour, and the proposed fee increase to \$400/hour is a 100% increase (not 222.22%).

More significant than the mathematical issues is the fact that prior to the most recent increase for attorney discovery fees this past year, there was an increase back in 2013. Although this is quite a long time ago for fee adjustments (i.e., 12 years ago), the physician fees for deposition and deposition preparation time has not been updated since 1990 (35 years ago). This is a significant difference, (*i.e. almost 300% longer*), that I believe should be considered as a major factor when making decisions about reimbursement.

Thank you for your consideration.

Sincerely,
BARRIE W. ROSS, MD