



**Attorney at Law**

**Rodney Dunn**  
Attorney at Law

Practice limited to Workers'  
Compensation cases

Street Address:  
Quattro Center  
9400 Holly Dr. N.E. Bldg. 4  
Albuquerque, NM 87122

Mailing Address:  
P.O. Box 20354  
Albuquerque, NM 87154

Tel: (505) 896-3650  
Fax: (505) 545-8390  
Website: [www.dunnlawnm.com](http://www.dunnlawnm.com)

**August 15, 2025**

SENT VIA EMAIL: [gc.clerk@wca.nm.gov](mailto:gc.clerk@wca.nm.gov)

Workers' Compensation Administration  
Office of General Counsel  
2410 Centre Ave Se  
Albuquerque, NM 87106

**RE: Written Comment Regarding 2025 Proposed  
Rule Changes**

Dear WCA/General Counsel:

I am writing in response to the proposed rule changes.

With regards to the proposed changes to 11.4.4.14 NMAC(D), I am in agreement with the letter submitted by Derek Weems on June 12, 2025.

With regards to 11.4.7.13, I had previously commented in November of 2024, that although I believed an increase would be helpful in getting depositions set, that it should not be done in such a way that would limit a worker's access to justice. The problem being the discovery advance was not increasing along with the costs of taking these depositions. While the discovery advance was increased earlier this year, it has not increased enough to support the increases in the fees being proposed.

The discovery advance was increased this year from \$3,000.00 to \$3,500.00. This amounts to a 116.66% increase; the proposed changes to 11.4.7.13 increase the fees doctors can charge for depositions 200% for the first hour of the deposition and prep time, and between 222.22% and 333.33% for the subsequent hours of the deposition and prep time. In order to maintain a worker's access to justice at the administration any increases in the fees for the depositions need to be commensurate to the increase in the discovery advance.

In the alternative, if the doctors' fees for the deposition and prep time were considered a medical expense instead of a discovery expense, this would allow for the proposed increase while still ensuring that worker's maintain access to justice in their workers' compensation claims. The Act does give the Director the authority to promulgate and enforce schedules of reimbursement for providing testimony and depositions through §52-5-4, so this should be possible to complete through rule making.

While I agree that there should be an increase to the fees doctors can charge for their time and effort in these depositions, the current proposed increase is drastic when taking the current discovery advance into consideration. The increase should either be commensurate with the current discovery advance, or the deposition fees should be considered a medical expense going forward.

Thank you for your time and consideration of these concerns.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Rodney Dunn', with a long horizontal flourish extending to the right.

Rodney Dunn