



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

COMBINED CHIROPRACTIC SERVICES &
REHABILITATION INC

Respondent Name

COMMERCE & INDUSTRY INSURANCE

MFDR Tracking Number

M4-11-2774-01

Carrier's Austin Representative Box

Box Number 19

MFDR Date Received

APRIL 13, 2011

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "No pre-auth needed for office visit."

Amount in Dispute: \$475.00

RESPONDENT'S POSITION SUMMARY

Respondent's Summary: Carrier acknowledged DWC-60 on April 15, 2011.

Submitted by: Commerce & Industry Insurance Company.

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
May 10, 2010 through November 2, 2010	99213	\$475.00	\$475.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

- Former 28 Texas Administrative Code §133.307, 33 *Texas Register* 3954, applicable to requests filed on or after May 25, 2008, sets out the procedures for resolving medical fee disputes filed prior to June 1, 2012
- 28 Texas Administrative Code §134.203 sets out the reimbursement guidelines for E/M services .

The services in dispute were reduced/denied by the respondent with the following reason codes:

Explanation of benefits

- 1-197- Precertification/authorization/notification absent.
- 2-W1- Workers compensation State Fee Schedule adjustment
- 1- Pre-authorization not obtained. (X973).
- 2-Significant, separately identifiable evaluation and management service by the same Physician on the day of procedure. (Z306).
- 1-(18) Duplicate claim/service.

Issues

1. Did the requestor meet the requirements of 28 Texas Administrative Code §134.203?
2. Is the requestor entitled to reimbursement?

Findings

1. 28 Texas Administrative Code §134.203(b)(1) states, in pertinent part, “for coding, billing reporting, and reimbursement of professional medical services, Texas Workers’ Compensation system participants shall apply the following: (1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers; ... and other payment policies in effect on the date a service is provided...” Review of the submitted documentation finds that the requestor performed an office visit for the evaluation and management of an established patient. The American Medical Association (AMA) CPT code description for 99213 is:

Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components: An expanded problem focused history; An expanded problem focused examination; Medical decision making of low complexity. Counseling and coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of low to moderate severity. Typically, 15 minutes are spent face-to-face with the patient and/or family.

The 1997 Documentation Guidelines for Evaluation & Management Services is the applicable Medicare policy. It describes the documentation requirements for the service in dispute. Review of the documentation finds the following:

- Documentation of the Expanded History for service date **May 10, 2010**:
 - History of Present Illness (HPI) consists of one to three elements of the HPI. Documentation found listed four elements, thus meeting component.
 - Review of Systems (ROS) inquires about the system directly related to the problem(s) identified in the HPI. Documentation found listed one system. This component was met.
 - Past Family, and/or Social History (PFSH) are not applicable.
- Documentation of a Expanded Examination:
 - Requires limited examination of the affected body area or organ system. The documentation found examination of the affected body areas. This component was met.
- Documentation of the Expanded History for service date **June 1, 2010**:
 - History of Present Illness (HPI) consists of one to three elements of the HPI. Documentation found listed two elements, thus meeting component.
 - Review of Systems (ROS) inquires about the system directly related to the problem(s) identified in the HPI. Documentation found listed one system. This component was met.
 - Past Family, and/or Social History (PFSH) are not applicable.
- Documentation of a Expanded Examination:
 - Requires limited examination of the affected body area or organ system. The documentation found examination examination of the affected body areas. This component was met.
- Documentation of the Expanded History for service date **July 6, 2010**:
 - History of Present Illness (HPI) consists of one to three elements of the HPI. Documentation found listed three chronic conditions, thus meeting component.
 - Review of Systems (ROS) inquires about the system directly related to the problem(s) identified in the HPI. Documentation found listed one system. This component was met.
 - Past Family, and/or Social History (PFSH) are not applicable.
- Documentation of a Expanded Examination:
 - Requires limited examination of the affected body area or organ system. The documentation found examination of the affected body areas. This component was met.
- Documentation of the Expanded History for service date **September 10, 2010**:
 - History of Present Illness (HPI) consists of one to three elements of the HPI. Documentation found listed three chronic conditions, thus meeting component.
 - Review of Systems (ROS) inquires about the system directly related to the problem(s) identified in the HPI. Documentation found listed one system. This component was met.
 - Past Family, and/or Social History (PFSH) are not applicable.

- Documentation of a Expanded Examination:
 - Requires limited examination of the affected body area or organ system. The documentation found examination of the affected body areas. This component was met.
- Documentation of the Expanded History for service date **November 2, 2010**:
 - History of Present Illness (HPI) consists of one to three elements of the HPI. Documentation found listed three chronic conditions, thus meeting component.
 - Review of Systems (ROS) inquires about the system directly related to the problem(s) identified in the HPI. Documentation found listed one system. This component was met.
 - Past Family, and/or Social History (PFSH) are not applicable.
- Documentation of a Expanded Examination:
 - Requires limited examination of the affected body area or organ system. The documentation found examination of the affected body areas. This component was met.

The division concludes that the documentation sufficiently supports the level of service billed for service dates May 10, 2010 through November 2, 2010.

2. For the reasons stated above, the services in dispute are eligible for payment pursuant to 28 TAC §134.203 (c) as follows:

For service dates May 10, 2010 and June 1, 2010: $((54.32 / 36.0791) * \$63.71) \times 2 = \191.84

For service dates July 6, 2010, September 10, 2010 and November 2, 2010: $((54.32 / 36.8729) * \$65.11) \times 3 = \287.75

The amount recommended for reimbursement is \$479.59. However the amount in dispute is \$475.00; therefore the amount recommended for payment is \$475.00.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$475.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$475.00 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

May 9, 2014
Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute may appeal this decision by requesting a contested case hearing. A completed **Request for a Medical Contested Case Hearing** (form **DWC045A**) must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party.**

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.