



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
512-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

Snowden Orthopedic & Occupational

Respondent Name

Indemnity Insurance Co of North

MFDR Tracking Number

M4-13-2693-01

Carrier's Austin Representative

Box Number 15

MFDR Date Received

June 19, 2013

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Pursuant to Rule 137.199 (a), health care providers shall provide treatment in accordance with the current edition of the Official Disability Guidelines-Treatment in Workers' Comp, excluding the return to work pathways, (ODG), published by Work Loss Data Institute (Division treatment guidelines). Denying preauthorized health care services is an administrative violation in accordance with Rule 133.301(a). "

Amount in Dispute: \$5,888.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "...Requestor is only owed \$51.20 per unit of work hardening per DWC Rule 134.20. The EOBs submitted, and EOBs to be filed subsequently, represent this amount paid to Requestor for the dates of service in dispute."

Response Submitted by: Downs & Stanford, PC

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
March 11 – 22, 2013 and April 4 – 30, 2013	97546	\$5,888.00	\$1,331.20

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

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- 28 Texas Administrative Code §134.204 sets out medical fee guideline for specific workers' compensation services.
- The services in dispute were reduced/denied by the respondent with the following reason codes:
 - W1 – Workers Compensation State Fee Schedule Adjustment
 - 309 – The charge for this procedure exceeds the fee schedule allowance
 - 247 – A payment or denial has already been recommended for this service
 - W3 – Additional payment made on appeal/reconsideration

Issues

1. Did the requestor support additional requested payment amounts?
2. Is the requestor entitled to reimbursement?

Findings

1. 28 Texas Labor Code §134.204(h)(1)(B) states in pertinent part, "If the program is not CARF accredited, the only modifier required is the appropriate program modifier. The hourly reimbursement for a non-CARF accredited program shall be 80 percent of the MAR. 28 Texas Labor Code §134.204(h) (3) For Division purposes, Comprehensive Occupational Rehabilitation Programs, as defined in the CARF manual, are considered Work Hardening. (A) The first two hours of each session shall be billed and reimbursed as one unit, using CPT Code 97545 with modifier "WH." Each additional hour shall be billed using CPT Code 97546 with modifier "WH." CARF accredited Programs shall add "CA" as a second modifier. (B) Reimbursement shall be \$64 per hour. Units of less than one hour shall be prorated by 15 minute increments. A single 15 minute increment may be billed and reimbursed if greater than or equal to 8 minutes and less than 23 minutes."

Review of the submitted documentation finds the disputed services were not billed with CA as second modifier therefore, per Rule 134.204(h)(1)(B) the CPT code 97546 is payable at 80% of the MAR or \$51.20 per hour/unit. The disputed services are reviewed below.

Date of Service	Units	Submitted Code	Billed Amount	Maximum Allowable Reimbursement	Paid Amount	Amount Due
March 11, 2013	1	97546	64.00	\$64.00 x 80% = \$51.20 per unit	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$0.00
March 12, 2013	2	97546	128.00	\$64.00 x 80% = \$51.20 x 2 units = \$102.40	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$51.20
March 13, 2013	2	97546	128.00	\$64.00 x 80% = \$51.20 x 2 units = \$102.40	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$51.20
March 14, 2013	4	97546	256.00	\$64.00 x 80% - \$51.20 x 4units = \$204.80	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$153.60
March 15, 2013	4	97546	256.00	\$64.00 x 80% - \$51.20 x 4units = \$204.80	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$153.60
March 18, 2013	2	97546	128.00	\$64.00 x 80% = \$51.20 x 2 units = \$102.40	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$51.20
March 19, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$256.00
March 20, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$256.00
March 21, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$256.00
March 22, 2013	3	97546	192.00	\$64.00 x 80% = \$51.20 x 3 units = \$153.60	\$12.80 / 5/3/2013 + \$38.40 / 7/20/13 = \$51.20	\$102.40
April 4, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 4/22/2013 + \$294.40 / 7/10/2013 = \$307.20	\$0.00
April 5, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 4/22/2013 + \$294.40 / 7/10/2013 = \$307.20	\$0.00
April 9, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/6/2013 + \$294.40 / 5/22/13 = \$307.20	\$0.00
April 11, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/6/2013 + \$294.40 / 5/22/13 = \$307.20	\$0.00
April 12, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/6/2013 + \$294.40 / 5/22/13 = \$307.20	\$0.00
April 16, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/20/13 + \$294.40 / 5/28/13 = \$307.20	\$0.00
April 18, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/20/13 + \$294.40 / 5/28/13 = \$307.20	\$0.00
April 19, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/20/13 + \$294.40 / 5/28/13 = \$307.20	\$0.00
April 23, 2013	6	97546	384.00	\$64.00 x 80% = \$51.20 x 6 units = \$307.20	\$12.80 / 5/20/13 + \$294.40 / 5/28/13 = \$307.20	\$0.00
April 30,	6	97546	384.00	\$64.00 x 80% = \$51.20	\$12.80 / 5/20/13 + \$294.40 /	\$0.00

2013				x 6 units = \$307.20	5/28/13 = \$307.20	
		TOTAL	\$6,144.00	\$4,915.20	\$3,584.00	\$1,331.20

2. The total Maximum Allowable Reimbursement (MAR) is \$4,915.20. The carrier paid \$3,584.00. The remaining balance of \$1,331.20 is due to the requestor.

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 \$1,331.20.

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 \$1,331.20 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

June , 2014
Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request 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 §141.1(d).

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