



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

Fondren Orthopedic Group

Respondent Name

Liberty Insurance

MFDR Tracking Number

M4-14-3710-10

Carrier's Austin Representative

Box Number 01

MFDR Date Received

August 22, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "...we are asking there to be a consideration for additional payment in addition to the allowed amount for the use of the 22 modifier (complex case). The surgeon did bill with the 22 modifier to indicate this for extensive scar tissue and is documented in the coded operative report."

Amount in Dispute: \$807.58

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The documentation submitted failed to demonstrate the qualifiers for appending Modifier 22."

Response Submitted by: Liberty Mutual

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
April 23, 2014	27430, 22	\$807.58	\$0.00

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

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- 28 Texas Administrative Code §134.203 sets out the reimbursement guidelines for professional medical services.
- The services in dispute were reduced/denied by the respondent with the following reason codes:
 - 45 – Z710 – The charge for this procedure exceeds the fee schedule allowance
 - 193 – Original payment decision is being maintained

Issues

- Did the requestor support that additional reimbursement is due?
- Is the requestor entitled to reimbursement?

Findings

1. The respondent states, "The documentation submitted failed to demonstrate the qualifiers for appending Modifier 22." 28 Texas Labor Code §134.203(b) 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..." Modifier 22 is defined as, "Increased Procedural Services. When the work required to provide a service is substantially greater than typically required, it may be identified by adding modifier 22 to the usual procedure code. Documentation must support the substantial additional work and the reason for the additional work (ie, increased intensity, time, technical difficulty of procedure, severity of patient's condition, physical and mental effort required)."

The CMS Medicare Claims Processing Manual, Chapter 12, Section 40.2, Sub-section, 10 states, "Surgeries for which services performed are significantly greater than usually required may be billed with the "-22" modifier added to the CPT code for the procedure.

The biller must provide:

- a concise statement about how the service differs from the usual;
- and an operative report with the claim."

Review of the operative report finds;

- a. "Nonviable tissue was debrided. At this point, the wound was explored. There was significant amount of scar tissue present. The significant scar tissue was released as well as excised. Heterotopic bone was resected as well. After the scar tissue was released,"

The carrier's denial is supported as while the operative report does mention significant scar tissue, no statement as how this differs from usual procedure was indicated.

2. The Division finds no additional payment can be recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

		January 22, 2015
Signature	Medical Fee Dispute Resolution Officer	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.