



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

TX HEALTH dba INJURY ONE OF DALLAS

Respondent Name

INSURANCE CO OF THE STATE OF PA

MFDR Tracking Number

M4-15-1195-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

DECEMBER 16, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The claim was denied per EOB based claim lacks information/invalid number of units. According to our records CPT code 90791 is an initial psych evaluation which is 5 hours in length in time and done by the physician on a 7 page evaluation note which was provided to the insurance carrier."

Amount in Dispute: \$1,250.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The provider was denied the 90791 code previously because they billed 11 units. It was denied for an invalid number of units. This code is not a timed code, and only 1 unit is allowed. We cannot change anything on the bill that was submitted. However, when the bill was rerun in Medata, I didn't have the option to put in any units, as it must be programmed into Medata as just one unit. The report preparation is bundled into this diagnostic evaluation, and will remain denied. I reran the bill, and it is recommending 236.42. I have attached the EOB's. It is the Carrier's position that the bill will be paid in accordance with the Workers Compensation State Fee Guidelines."

Response Submitted by: AIG Insurance

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
December 24, 2013	CPT Code 90791 (X5) Psychiatric Diagnostic Evaluation	\$1,250.00	\$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, effective March 1, 2008, sets out the fee guidelines for reimbursement of professional medical services provided in the Texas workers' compensation system.
- The services in dispute were reduced/denied by the respondent with the following reason codes:
 - 16-Claim/service lacks information or has submission/billing error(s) which is needed for adjudication.
 - VA02-Invalid number of units.

- 96-Non-covered Charge(s).
- VF18-The State fee schedule adopts Medicare, and per Medicare guidelines, this service is not covered.
- X394-Our position remains the same if you disagree with our decision please contact the division for medical fee dispute resolution.

Issues

Does the documentation support billing CPT code 90791 (X5)? Is the requestor entitled to reimbursement?

Findings

28 Texas Administrative Code §134.203(a)(5) states "Medicare payment policies" when used in this section, shall mean reimbursement methodologies, models, and values or weights including its coding, billing, and reporting payment policies as set forth in the Centers for Medicare and Medicaid Services (CMS) payment policies specific to Medicare."

28 Texas Administrative Code §134.203 (b)(1) states "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; bonus payments for health professional shortage areas (HPSAs) and physician scarcity areas (PSAs); and other payment policies in effect on the date a service is provided with any additions or exceptions in the rules."

The requestor contends that reimbursement is due because "According to our records CPT code 90791 is an initial psych evaluation which is 5 hours in length in time and done by the physician on a 7 page evaluation note which was provided to the insurance carrier."

The respondent states that "It was denied for an invalid number of units. This code is not a timed code, and only 1 unit is allowed."

CPT code 90791 is defined as "Psychiatric diagnostic evaluation."

A review of the submitted billing and medical records finds that the requestor billed for five units of code 90791. The report indicates that one hour was billed for reviewing records; two hours for the clinical interview; and two hours for preparing the report. Per the CPT code descriptor this is not a timed procedure code. Furthermore, the requestor is billing for time that was not actual face-to-face time with the claimant; therefore, the billing of five units is inappropriate. Based on the code descriptor one unit is recommended for reimbursement.

Per 28 Texas Administrative Code §134.203(c)(1)(2), "To determine the MAR for professional services, system participants shall apply the Medicare payment policies with minimal modifications.

(1) For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$52.83. For Surgery when performed in a facility setting, the established conversion factor to be applied is \$66.32.

(2) The conversion factors listed in paragraph (1) of this subsection shall be the conversion factors for calendar year 2008. Subsequent year's conversion factors shall be determined by applying the annual percentage adjustment of the Medicare Economic Index (MEI) to the previous year's conversion factors, and shall be effective January 1st of the new calendar year. The following hypothetical example illustrates this annual adjustment activity if the Division had been using this MEI annual percentage adjustment: The 2006 Division conversion factor of \$50.83 (with the exception of surgery) would have been multiplied by the 2007 MEI annual percentage increase of 2.1 percent, resulting in the \$51.90 (with the exception of surgery) Division conversion factor in 2007."

To determine the MAR the following formula is used: (DWC Conversion Factor/Medicare Conversion Factor) X Participating Amount = Maximum Allowable Reimbursement (MAR).

The 2013 DWC conversion factor for this service 55.3.

The Medicare Conversion Factor is 34.023.

Review of Box 32 on the CMS-1500 the services were rendered in zip code 76033, which is located in Cleburne, Texas; therefore the Medicare carrier locality is "Rest of Texas".

The Medicare participating amount is \$145.46.

Using the above formula, the Division finds the MAR is \$236.42. The respondent paid \$236.42. As a result, no additional reimbursement is 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

		05/14/2015
Signature	Medical Fee Dispute Resolution Officer	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.