



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)
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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

JAMES E. BUTLER, MD

Respondent Name

INDEMNITY INSURANCE CO OF NORTH AMERICA

MFDR Tracking Number

M4-16-0593-01

Carrier's Austin Representative

Box Number 15

MFDR Date Received

NOVEMBER 4, 2015

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The claimant underwent an FCE by James Butler, M.D. on 06/24/2015, as referred by designated doctor Juan F. Quiroz, M.D. The FCE took place from 9:45 AM to 1:08PM, and was billed for 13 units. This original bill was sent on 07/07/2015 with the CPT code 97750 and modifier FC. This bill was denied due to incorrect CPT codes by Gallagher Basset. A corrected claim was submitted to the adjuster listed on the 32 on 08/05/15, using the CPT code 97750 with modifier FC...On 10/07/2015, an EOR stated the bill was denied due to invalid or illegible CPT code. On 10/08/2015, the appropriate case manager...stated that she would send back the claim on a rush basis. An EOR dated 10/11/2015 stated the bill was denied again due to invalid or illegible CPT code. A call was placed to bill review."

Amount in Dispute: \$687.05

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Please see the EOBs. HCPCs coding ineligible."

Response Submitted by: Flahive, Ogden & Latson

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
June 24, 2015	CPT Code 97750-FC (13 units) Functional Capacity Evaluation (FCE)	\$687.05	\$687.05

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable 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 and §134.203, effective March 1, 2008, sets the reimbursement guidelines for the disputed service.

3. Neither party to the dispute submitted copies of explanation of benefits to support issue in dispute.

Issues

1. Is the disputed service billed correctly and legible?
2. Is the requestor entitled to reimbursement for the FCE rendered on June 24, 2015?

Findings

1. This dispute relates to services with reimbursement subject to the provisions of 28 Texas Administrative Code §134.204.

On the disputed date of service, the requestor billed CPT code 97750-FC.

The American Medical Association (AMA) Current Procedural Terminology (CPT) defines CPT code 97750 as "Physical performance test or measurement (eg, musculoskeletal, functional capacity), with written report, each 15 minutes."

The requestor appended modifier "FC" to code 97750. 28 Texas Administrative Code §134.204(n)(3) states "The following Division Modifiers shall be used by HCPs billing professional medical services for correct coding, reporting, billing, and reimbursement of the procedure codes. (3) FC, Functional Capacity-This modifier shall be added to CPT Code 97750 when a functional capacity evaluation is performed".

The Division reviewed the submitted medical bills and finds that the requestor billed for the disputed FCE in accordance with 28 Texas Administrative Code §134.204.

2. 28 Texas Administrative Code §134.204(g) states "The following applies to Functional Capacity Evaluations (FCEs). A maximum of three FCEs for each compensable injury shall be billed and reimbursed. FCEs ordered by the Division shall not count toward the three FCEs allowed for each compensable injury. FCEs shall be billed using CPT Code 97750 with modifier "FC." FCEs shall be reimbursed in accordance with §134.203(c)(1) of this title. Reimbursement shall be for up to a maximum of four hours for the initial test or for a Division ordered test; a maximum of two hours for an interim test; and, a maximum of three hours for the discharge test, unless it is the initial test. Documentation is required."

The requestor states in the position summary that the disputed FCE was requested by the Designated Doctor. A review of the submitted medical bill indicates that the requestor billed for fourteen units, which equals three and a half hours; therefore, the requestor did not exceed the four hour limit set in 28 Texas Administrative Code §134.204(g) for Division ordered FCEs.

Per 28 Texas Administrative Code §134.204(g) to determine the reimbursement for FCEs the Division refers to 28 Texas Administrative Code §134.203(c)(1)(2).

Per 28 Texas Administrative Code §134.203(c)(1)(2), the following formula is used to calculate the Maximum Allowable Reimbursement (MAR): $(DWC \text{ Conversion Factor} / Medicare \text{ Conversion Factor}) \times Participating \text{ Amount} = MAR$.

The 2015 DWC conversion factor for this service is 56.2.

The Medicare Conversion Factor is 35.7547.

Review of Box 32 on the CMS-1500 finds that the services were rendered in zip code 77018 which is located in Houston, Texas; therefore, the Medicare locality is "Houston, Texas."

The Medicare participating amount for CPT code 97750 is \$33.79.

Using the above formula, the MAR is \$53.11 per unit. The requestor billed for 13 units; therefore, $\$53.11 \times 13 = \690.43 . The respondent paid \$0.00. The difference between MAR and amount paid is \$690.43. The requestor is seeking a lesser amount of \$687.05. As a result, reimbursement of \$687.05 is recommended.

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 \$687.05.

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 \$687.05 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

		12/09/2015
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, 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 MFDR 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.