



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 WEISS MD

Respondent Name

LIBERTY INSURANCE CORP

MFDR Tracking Number

M4-18-1681-01

Carrier's Austin Representative

Box Number 01

MFDR Date Received

January 29, 2018

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The carrier has not paid this claim in accordance and compliance with TDI-DWC Rule 133 and 134."

Amount in Dispute: \$154.44

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "CPT Code 99202 was billed in combination with codes 95911 and 95886 which have "XXX" and "ZZZ" global days. Medicare indicates that E&M should not be billed with "XXX" procedures since the procedure components include the pre-procedure, intra-procedure, and post-procedure work usually performed each time the procedure is complete. Codes with "ZZZ" global days indicates the services are included in the global period of another related service.

HCPCS Codes A4556, electrodes per pair, and A4215, needle sterile any size, were denied as supplies are not separately payable per Medicare guidelines."

Response Submitted by: Liberty Mutual Insurance

SUMMARY OF FINDINGS

Table with 4 columns: Dates of Service, Disputed Services, Amount In Dispute, Amount Due. It lists services like Code 99202, Code 95886 x 2, Code 95911, and Code A4215 with their respective amounts.

	Code A4556 Electrodes	\$16.90	
Total		\$154.44	

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

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.203, effective March 1, 2008, sets the reimbursement guidelines for the disputed service.
3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
 - X212 – This procedure is included in another procedure performed on this date
 - PNFC – The reimbursement is based on the CMS physician fee schedule non-facility site of service rate
 - B291 - This is a bundled or non covered procedure based on Medicare Guidelines; no separate payment allowed
 - MSCP – In accordance with the CMS physician fee schedule rule for status code 'P', this service is not separately reimbursed when billed with other payable services
4. Case History:
 - The requestor initially sought MFDR on January 29, 2018 for codes 99202, 95886, 95911, A4556 and A4215.
 - The division docketed this dispute under M4-18-1681-01.
 - The requestor down-coded the evaluation and management services from 99204 to 99202 and submitted claim to the insurance carrier.
 - The requestor now seeks MFDR for codes 99202, A4556 and A4215.

Issues

1. What is the applicable fee guideline for professional services?
2. Was the office visit billed in accordance with fee guidelines? Is the requestor entitled to reimbursement?
3. Is HCPCS code A4556 and A4215 eligible for review?

Findings

The requestor is seeking MFDR for evaluation and management service CPT code 99202 rendered on April 11, 2017. As stated above, the requestor originally billed for evaluation and management service CPT code 99204. Regarding CPT code 99204, the MFDR determined that the documentation did not support the level of service billed; was not billed in accordance with general coding policies; and that was billed without the appropriate modifier. The requestor then down-coded the evaluation and management code and billed CPT code 99202.

1. The fee guidelines for the disputed service are found in 28 Texas Administrative Code §134.203.
2. 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 .

CPT code 99202 is defined as "Office or other outpatient visit for the evaluation and management of a new patient, which requires these 3 key components: An expanded problem focused history; An expanded problem focused examination; Straightforward medical decision making. Counseling and/or 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, 20 minutes are spent face-to-face with the patient and/or family.”

On the disputed date of service, the requestor billed for CPT code 99202, 95886, 95911, A4556 and A4215.

Per 28 Texas Administrative Code §134.203(a)(5), the Division referred to Medicare’s coding and billing policies. Per Medicare fee schedule, CPT code 95886 has a global surgery period of “ZZZ” and code 95910 has “XXX”.

The National Correct Coding Initiative Policy Manual, effective January 1, 2016, Chapter I, General Correct Coding Policies, section D, states:

All procedures on the Medicare Physician Fee Schedule are assigned a Global period of 000, 010, 090, XXX, YYY, ZZZ, or MMM. The global concept does not apply to XXX procedures. The global period for YYY procedures is defined by the Carrier (A/B MAC processing practitioner service claims). All procedures with a global period of ZZZ are related to another procedure, and the applicable global period for the ZZZ code is determined by the related procedure... Procedures with a global surgery indicator of “XXX” are not covered by these rules. Many of these “XXX” procedures are performed by physicians and have inherent pre-procedure, intra-procedure, and post-procedure work usually performed each time the procedure is completed. This work should never be reported as a separate E&M code. Other “XXX” procedures are not usually performed by a physician and have no physician work relative value units associated with them. A physician should never report a separate E&M code with these procedures for the supervision of others performing the procedure or for the interpretation of the procedure. With most “XXX” procedures, the physician may, however, perform a significant and separately identifiable E&M service on the same date of service which may be reported by appending modifier 25 to the E&M code. This E&M service may be related to the same diagnosis necessitating performance of the “XXX” procedure but cannot include any work inherent in the “XXX” procedure, supervision of others performing the “XXX” procedure, or time for interpreting the result of the “XXX” procedure. Appending modifier 25 to a significant, separately identifiable E&M service when performed on the same date of service as an “XXX” procedure is correct coding.

The Division finds that the requestor did not identify a significant and separate E&M service to support billing CPT code 99202 in conjunction with CPT codes 95886 and 95910. In addition, the requestor did not append modifier 25 to CPT code 99202 per the correct coding guidelines. Therefore, the Division finds that the requestor’s documentation did not support billing CPT code 99202. As a result, reimbursement is not recommended.

3. The respondent states, “HCPCS codes A4556, electrodes per pair, and A4215, needle sterile any size, were denied as supplies are not separately payable per Medicare guidelines.
 - Code A4215 – Status code “X” – Statutory Exclusion
 - Code A4556 – Status code “P” – Bundled/Excluded Codes

Based on the above, the Carrier’s denial and response is supported. No separate 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 on the submitted information, pursuant to Texas Labor Code Section 413.031, the division hereby determines the requestor is entitled to \$0.00 additional reimbursement for the services in dispute.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

3/13/2018
Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with Rule §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 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. **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.