



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

Texas Health Alliance

Respondent Name

Great West Casualty Co

MFDR Tracking Number

M4-18-3602-01

Carrier's Austin Representative

Box Number 01

MFDR Date Received

May 25, 2018

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "...Physical therapy services have not been reimbursed per state fee schedule rules. PT services billed by a hospital on a UB are paid using the CMS calculation with the appropriate hospital uplift. Physician conversion factors are not applicable."

Amount in Dispute: \$147.70

RESPONDENT'S POSITION SUMMARY

The Austin carrier representative for Great West Casualty Co is JT Parker & Associates LLC. JT Parker & Associates acknowledged receipt of the copy of this medical fee dispute on June 6, 2018.

28 Texas Administrative Code §133.307 states, in relevant part:

- (d) Responses. Responses to a request for MFDR shall be legible and submitted to the division and to the requestor in the form and manner prescribed by the division.
(1) Timeliness. The response will be deemed timely if received by the division via mail service, personal delivery, or facsimile within 14 calendar days after the date the respondent received the copy of the requestor's dispute [emphasis added]. If the division does not receive the response information within 14 calendar days of the dispute notification, then the division may base its decision on the available information.

Review of the documentation finds that no response has been received on behalf of Great West Casualty Co from JT Parker & Associates to date. The division concludes that Great West Casualty Co failed to respond within the timeframe required by §133.307(d)(1). For that reason the division will base its decision on the information available.

SUMMARY OF FINDINGS

Table with 4 columns: Dates of Service, Disputed Services, Amount In Dispute, Amount Due. Row 1: September 13 - 28, 2017, Outpatient Therapy Services, \$147.70, \$0.00

## ***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 §134.403 sets out the reimbursement guidelines for outpatient hospital services.
3. 28 Texas Administrative Code §134.203 sets out the reimbursement guidelines for professional medical services.
4. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
  - P12 – Workers' compensation jurisdictional fee schedule adjustment
  - 193 – Original payment decision is being maintained

### **Issues**

1. Is the carrier's reduction of payment supported?
2. Is the requestor entitled to additional reimbursement?

### **Findings**

1. The requestor is seeking additional reimbursement for outpatient therapy services performed from September 13 – 28, 2017. The carrier reduced the allowed amount as P12 – "Workers' compensation jurisdictional fee schedule adjustment."

The applicable Division Rule is found in 28 Texas Administrative Code 134.403. The applicable sections are listed below:

(d) For coding, billing, reporting, and reimbursement of health care covered in this section, Texas workers' compensation system participants shall apply Medicare payment policies in effect on the date a service is provided

(f) The reimbursement calculation used for establishing the MAR shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Outpatient Prospective Payment System (OPPS) reimbursement formula and factors as published annually in the Federal Register.

(h) For medical services provided in an outpatient acute care hospital, but not addressed in the Medicare payment policies as outlined in subsections (f)(1) or (f)(2) of this section, and for which Medicare reimburses using other Medicare fee schedules, reimbursement shall be made using the applicable Division Fee Guideline in effect for that service on the date the service was provided.

The OPPS reimbursement formula factors are found at <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS/Addendum-A-and-Addendum-B-Updates.html>. The specific factor is the Status Indicators. The status indicator for each of the HCPCS code listed on the DWC060 have an "A" status indicator which is defined as, "Not paid under OPPS. Paid by MACs under a fee schedule or payment system other than OPPS."

Based on the requirements of 28 Texas Administrative Code 134.403 (h) the applicable Division fee Guideline is found in 28 Texas Administrative Code §134.203.

On April 1st of 2013, Medicare implemented the Medicare Multiple Procedure Payment Reduction (MPPR). The MPPR policy may be found in the CMS Claims Processing Manual 100-04, Chapter 5, section 10.7 found at [www.cms.gov](http://www.cms.gov). The MPPR policy applies therefore the carrier's reduction does apply and was used in the calculation of the maximum allowable reimbursement shown below.

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

The MAR is calculated by the DWC Conversion Factor/Medicare Conversion Factor multiplied by the Medicare allowable. The calculation is as follows:

- Procedure code 97140, billed September 13, 2017 for two units is the only service billed on this date. The first unit will be paid at the full allowable of \$30.38. The second unit will be paid at \$23.09.  $57.5/35.8887 \times \$30.38 = \$48.67$ .  $57.5/35.8887 \times \$23.09 = \$36.99$ .  $\$48.67 + \$36.99 = \$85.66$ . The carrier paid \$85.67. No additional payment is recommended.
- Procedure code 97140, billed September 14, 2017 for two units has a PE of 0.41 the highest for this date. The first unit will be paid at the full allowable of \$30.38. The second unit will be paid at \$23.09.  $57.5/35.8887 \times \$30.38 = \$48.67$ .  $57.5/35.8887 \times \$23.09 = \$36.99$ .  $\$48.67 + \$36.99 = \$85.66$ . The carrier paid \$85.67. No additional payment is recommended.
- Procedure code 97035, billed September 14, 2017 has a PE of 0.14 not the highest for this date. The service will be paid at the reduced allowable of \$10.34.  $57.5/35.8887 \times \$10.34 = \$16.57$ . The carrier paid \$16.57. No additional payment is recommended.
- Procedure code 97140, billed September 18, 2017 for two units is the only service billed on this date. The first unit will be paid at the full allowable of \$30.38. The second unit will be paid at \$23.09.  $57.5/35.8887 \times \$30.38 = \$48.67$ .  $57.5/35.8887 \times \$23.09 = \$36.99$ .  $\$48.67 + \$36.99 = \$85.66$ . The carrier paid \$85.67. No additional payment is recommended.
- Procedure code 97140, billed September 20, 2017 for two has a PE of 0.41 the highest for this date. The first unit will be paid at the full allowable of \$30.38. The second unit will be paid at \$23.09.  $57.5/35.8887 \times \$30.38 = \$48.67$ .  $57.5/35.8887 \times \$23.09 = \$36.99$ .  $\$48.67 + \$36.99 = \$85.66$ . The carrier paid \$85.67. No additional payment is recommended.
- Procedure code 97035, billed September 20, 2017 has a PE of 0.14 not the highest for this date. The service will be paid at the reduced allowable of \$10.34.  $57.5/35.8887 \times \$10.34 = \$16.57$ . The carrier paid \$16.57. No additional payment is recommended.
- Procedure code 97110, billed September 28, 2107, for two units has a PE of 0.45 the highest for this date. The first unit will be paid at the full allowable of \$32.80. The second unit at the reduced allowable of \$24.79.  $57.5/35.8887 \times \$32.80 = \$52.55$ .  $57.5/35.8887 \times \$24.79 = \$39.72$ .  $\$24.79 + \$52.55 = \$92.27$ . The carrier paid \$92.27. No additional payment is recommended.
- Procedure code 97140, billed September 28, 2017 has a PE of 0.41 not the highest for this date. The service will be paid at the reduced allowable of \$23.09.  $57.5/35.887 \times \$23.09 = \$36.99$ . The carrier paid \$36.99. No additional payment 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

August 10, 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.**