



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 Rockwall

Respondent Name

Liberty Insurance Corp

MFDR Tracking Number

M4-19-2426-01

Carrier's Austin Representative

Box Number 1

MFDR Date Received

January 4, 2019

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "... the facility did not request separate reimbursement for implants, and according to Rule 134.403 of the Facility Fee Guideline – Outpatient, the amount due is 200% of Medicare facility specific reimbursement and any applicable outlier payment."

Amount in Dispute: \$75.25

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The bill has been reviewed and payment is correct as Under OPPS rules, the wage index is applied to 60% of the APC rate."

Response Submitted by: Liberty Mutual

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
June 7, 2018	Outpatient Hospital Services	\$75.25	\$75.25

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 §134.403 sets out the reimbursement guidelines for outpatient hospital services.
- The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
 - 4097 - Paid per fee schedule, charge adjusted because statute dictates allowance is greater than providers charge

Issues

1. What is the applicable rule for determining reimbursement for the disputed services?
2. Is the requestor entitled to additional reimbursement?

Findings

1. The requestor is seeking additional reimbursement in the amount of \$75.25 for outpatient hospital services rendered on June 7, 23018. The insurance carrier reduced disputed services with claim adjustment reason code 4097 – “Paid per fee schedule: charge adjusted because statute dictates allowance is greater than provider’s charge.”

28 Texas Administrative Code §134.403 (d) states in pertinent part,

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

2. The Medicare payment policy applicable to the services in dispute is found at www.cms.gov, Claims processing Manual, Chapter 4. The application of this payment policy in conjunction with the Division fee guideline of 28 TAC §134.403, (e) (3) states,

Regardless of billed amount, reimbursement shall be:

If no contracted fee schedule exists that complies with Labor Code §413.011, and an amount cannot be determined by application of the formula to calculate the MAR as outlined in subsection (f) of this section, reimbursement shall be determined in accordance with §134.1 of this title (relating to Medical Reimbursement).

The carrier’s reduction is not supported. The Division fee guideline found in 28 TAC §134.403, (f) states,

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*. The following minimal modifications shall be applied.

(1) The sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by:

(A) 200 percent; unless

(B) a facility or surgical implant provider requests separate reimbursement in accordance with subsection (g) of this section, in which case the facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 130 percent.

The maximum allowable reimbursement is per the above is calculated as follows:

- Procedure code 29806 billed June 7, 2018 has status indicator J1 procedures paid at a comprehensive rate. All covered services on the bill are packaged with the primary "J1" procedure. This code is assigned APC 5114. The OPPS Addendum A rate is \$5,606.42, multiplied by 60% for an unadjusted labor amount of \$3,363.85, in turn multiplied by the facility wage index of 0.9756 for an adjusted labor amount of \$3,281.77. The non-labor portion is 40% of the APC rate, or \$2,242.57. The Medicare facility specific amount of \$5,524.34 is multiplied by 200% for a MAR of \$11,048.68.

The total recommended reimbursement for the disputed services is \$11,048.68. The insurance carrier paid \$10,967.96. The requestor is seeking additional reimbursement of \$75.25. This amount 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 \$75.25.

ORDER

Based on the submitted information, pursuant to Texas Labor Code Section 413.031 and 413.019 (if applicable), the division has determined the requestor is entitled to additional reimbursement for the disputed services. The division hereby ORDERS the respondent to remit to the requestor \$75.25 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

Date

January 31, 2019

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.