



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 Denton

Respondent Name

Amerisure Mutual Insurance Co

MFDR Tracking Number

M4-19-2887-01

Carrier's Austin Representative

Box Number 47

MFDR Date Received

January 25, 2019

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "CPT 97110 – Therapy only claim. ...The greatest PPO calculation is Pct Fee Schedule. Expected = Allowed: 127.88* 1, CPT – 97140 – Therapy only claim. The greatest PPO calculation is PCT Fee Schedule. Expected = Allowed: 45.81*1."

Amount in Dispute: \$62.98

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Amerisure has review the documents provided and Texas First Health Network Fee scheduled and issued an additional EOB showing that no additional allowance is recommended. ...Amerisure has found this claim to be in the Texas First Health healthcare network and therefore, this is not the appropriate forum for this dispute."

Response Submitted by: Amerisure

SUMMARY OF FINDINGS

| Dates of Service | Disputed Services | Amount In Dispute | Amount Due |
|--------------------|-----------------------------|-------------------|------------|
| June 19 – 29, 2018 | Outpatient Therapy Services | \$62.98 | \$9.84 |

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:
 - 59 – Processed based on multiple or concurrent procedure rules
 - P12 – Workers’ compensation jurisdictional fee schedule adjustment

Issues

1. Is the respondent’s position supported?
2. Is the carrier’s reduction of payment supported?
3. Is the requestor entitled to additional reimbursement?

Findings

1. The respondent states, “Amerisure has found this claim to be in the Texas First Health healthcare network and therefore, this is not the appropriate form for this date.

Review of the injured worker information found in TXCOMP at <http://www.tdi.texas.gov/wc/txcomp.html>, states the effective start date of the network is July 16, 2018. The dates of service in dispute is June 19 - 29, 2018 which is after the dates of service in dispute. The respondent’s position is not supported and will not be considered in this review.

2. The requestor is seeking additional reimbursement for outpatient therapy services performed from June 19 – 29, 2018. The carrier reduced the allowed amount as P12 – “Workers’ compensation jurisdictional fee schedule amount” and 59 – “Processed based on multiple or concurrent procedure rules.”

28 TAC 134.403 (d) states,

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

The OPSS 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 OPSS. Paid by MACs under a fee schedule or payment system other than OPSS.”

28 TAC 134.403 (h) states,

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.

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

Compliance with 28 TAC 134.403 (d) requires application of the Medicare Multiple Procedure Payment Reduction (MPPR) found in the CMS Claims Processing Manual 100-04, Chapter 5, section 10.7 found at www.cms.gov. The calculation of the maximum allowable reimbursement based on Medicare payment policies and Division fee guidelines is shown below.

3. 28 TAC §134.203 (c) (1) states.

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 (date of service yearly conversion factor).

The MAR is calculated by the DWC Conversion Factor of 58.31/Medicare Conversion Factor 35.9996 multiplied by the Medicare allowable. **To ensure the appropriate application of the MPPR reductions all services billed for each date will be calculated.** The calculation is as follows:

- Procedure code 97110 billed June 19, 2018 has a PE of 0.4 the highest for this date and will be paid at the full allowable of \$30.28. $58.31/35.9996 \times \$30.28 = \49.05
- Procedure code 97110 billed June 21, 2018 has a PE of 0.4 the highest for this date and will be paid at the full allowable of \$30.28. $58.31/35.9996 \times \$30.28 = \49.05
- Procedure code 97110 billed June 22, 2018 for two units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$30.28. $58.31/35.9996 \times \$30.28 = \49.05 . The second unit will be paid at the reduced allowable of \$23.53. $58.31/35.9996 \times \$23.53 = \38.11 . $\$49.05 + \$38.11 = \$87.16$
- Procedure code 97110 billed June 26, 2018 for two units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$30.28. $58.31/35.9996 \times \$30.28 = \49.05 . The second unit will be paid at the reduced allowable of \$23.53. $58.31/35.9996 \times \$23.53 = \38.11 . $\$49.05 + \$38.11 = \$87.16$
- Procedure code 97110 billed June 27, 2018 for two units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$30.28. $58.31/35.9996 \times \$30.28 = \49.05 . The second unit will be paid at the reduced allowable of \$23.53. $58.31/35.9996 \times \$23.53 = \38.11 . $\$49.05 + \$38.11 = \$87.16$
- Procedure code 97110 billed June 29, 2018 for two units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$30.28. $58.31/35.9996 \times \$30.28 = \49.05 . The second unit will be paid at the reduced allowable of \$23.53. $58.31/35.9996 \times \$23.53 = \38.11 . $\$49.05 + \$38.11 = \$87.16$
- Procedure code 97140 billed June 19, 2018 for two units has a PE of 0.35 not the highest for this date and will be paid at the reduced rate of \$21.68. $58.31/35.9996 \times \$21.68 \times 2 = \70.23
- Procedure code 97140 billed June 21, 2018 for two units has a PE of 0.35 not the highest for this date and will be paid at the reduced rate of \$21.68. $58.31/35.9996 \times \$21.68 \times 2 = \70.23
- Procedure code 97140 billed June 22, 2018 has a PE of 0.35 not the highest for this date and will be paid at the reduced rate of \$21.68. $58.31/35.9996 \times \$21.68 = \35.12
- Procedure code 97140 billed June 26, 2018 for two units has a PE of 0.35 not the highest for this date and will be paid at the reduced rate of \$21.68. $58.31/35.9996 \times \$21.68 = \35.12
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The total allowable reimbursement for the services in dispute is \$727.68. The carrier paid \$717.84. A balance of \$9.84 is due to the requestor.

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 \$9.84.

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 \$9.84, 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

February 28, 2019
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.