



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)
7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645
(512) 804-4000 | F: (512) 804-4811 | (800) 252-7031 | TDI.texas.gov | @TexasTDI

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

Patient Care Injury Clinic

Respondent Name

Travelers Indemnity Co of America

MFDR Tracking Number

M4-19-3380-01

Carrier's Austin Representative

Box Number 5

MFDR Date Received

March 7, 2019

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "We submitted our bills and proper clinical documentation in a timely fashion. We feel that our facility should be paid according to the workers compensation fee schedule guidelines."

Amount in Dispute: \$902.55

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The Carrier has reviewed the documentation and determined the Provider was properly reimbursed per the Medicare edits and the Division's Maximum Allowable Reimbursement."

Response Submitted by: Travelers

SUMMARY OF FINDINGS

Table with 4 columns: Dates of Service, Disputed Services, Amount In Dispute, Amount Due. Row 1: November 29 - 30, 2018; Physical Therapy; \$902.55; \$295.10. Row 2: December 5 - 14, 2018; (blank); (blank); (blank).

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 sets out the reimbursement guidelines for professional medical services.
3. 28 Texas Administrative Code §134.600 sets out requirements of prior authorization.
4. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
- 119 - Benefit maximum for this time period or occurrence has been reached
- 163 - The charge for this procedure exceeds the unit value and/or the multiple procedure rules
- P12 - Workers' compensation jurisdictional fee schedule adjustment

## Issues

1. Are the insurance carrier's reasons for denial or reduction of payment supported?
2. What is Medicare payment policy?
3. What rule is applicable to reimbursement guidelines?
4. Is the requestor entitled to additional reimbursement?

## Findings

1. The requestor is seeking additional reimbursement for physical therapy services rendered in November and December of 2018. The carrier reduced the services in dispute as "unit value being exceeded" and "multiple procedure rules." The respondent states in their response, "The Medicare edits limit physical therapy billing and reimbursement to no more than 4 units (1 hour) per day."

Review of the submitted documentation found insufficient evidence to support the "CMS limitations" cited by the respondent. Further review of the utilization review letter dated October 22, 2018 states, "...we have determined that the request for PT x 12 ... is determined to be medically necessary and is approved. Body Part: R shoulder DOS: through 11/22/2018." 28 TAC 134.203 (7) states in pertinent part,

Specific provisions contained in the Texas Labor Code or the Texas Department of Insurance, Division of Workers' Compensation (Division) rules, including this chapter, shall take precedence over any conflicting provision adopted or utilized by CMS in administering the Medicare program.

28 Texas 134.600 (c) states in pertinent part,

The insurance carrier is liable for all reasonable and necessary medical costs relating to the health care:

(1) listed in subsection (p) or (q) of this section only when the following situations occur:

(B) preauthorization of any health care listed in subsection (p) of this section that was approved prior to providing the health care;

The carrier's reduction in number of units is not supported. The allowable reduction based on "multiple procedure rules" is discussed below.

2. 28 Texas Administrative Code 134.203 (a) (5) and (b) (1) states in pertinent part,

"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.

(b) For coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants shall apply the following:

(1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers;

The Centers for Medicare and Medicaid Claims Processing Manual, Chapter 5, states in applicable section 10.7,

*Medicare applies an MPPR to the PE payment when more than one unit or procedure is provided to the same patient on the same day, i.e., the MPPR applies to multiple units as well as multiple procedures. Many therapy services are time-based codes, i.e., multiple units may be billed for a single procedure. The MPPR applies to all therapy services furnished to a patient on the same day, regardless of whether the services are provided in one therapy discipline or multiple disciplines, for example, physical therapy, occupational therapy, or speech-language pathology.*

*Full payment is made for the unit or procedure with the highest PE payment.*

*For subsequent units and procedures with dates of service on or after April 1, 2013, furnished to the same patient on the same day, **full payment is made for work and malpractice and 50 percent payment is made for the PE for services** submitted on either professional or institutional claims.*

The Medicare Multiple Procedure Payment Reduction file is found at:

<https://www.cms.gov/Medicare/Billing/TherapyServices/index.html>

The calculation of the maximum allowable reimbursement is shown in the next paragraph.

3. 28 Texas Administrative Code 134.203 (c) states in pertinent part,

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 calculation is as follows:

- Procedure code 97110, billed November 29, 2018 four units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$31.77. The second, third and fourth units will be paid at the reduced rate of \$24.  $58.31/35.9996 \times \$31.77 = \$51.46$ .  $58.31/35.9996 \times \$24.48 \times 3 = \$118.95$ .  $\$51.46 + \$118.95$
- Procedure code 97140, billed November 29, 2018 for two units has a PE of 0.35.  $58.31/35.9996 \times \$22.50 \times 2 = \$72.89$
- Procedure code 97112, billed November 29, 2018 has a PE of 0.47 not the highest for this date and will be paid at the reduced rate of \$27.60.  $58.31/35.996 \times \$27.60 = \$44.70$
- Procedure code G0283, billed November 29, 2018 has a PE of 0.23 not the highest for this date and will be paid at the reduced rate of \$11.14.  $58.31/35.9996 \times \$11.14 = \$18.04$
- Procedure code 97110, billed November 30, 2018 four units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$31.77. The second, third and fourth units will be paid at the reduced rate of \$24.  $58.31/35.9996 \times \$31.77 = \$51.46$ .  $58.31/35.9996 \times \$24.48 \times 3 = \$118.95$ .  $\$51.46 + \$118.95$
- Procedure code 97140, billed November 30, 2018 for two units has a PE of 0.35.  $58.31/35.9996 \times \$22.50 \times 2 = \$72.89$
- Procedure code 97112, billed November 30, 2018 has a PE of 0.47 not the highest for this date and will be paid at the reduced rate of \$27.60.  $58.31/35.996 \times \$27.60 = \$44.70$
- Procedure code G0283, billed November 30, 2018 has a PE of 0.23 not the highest for this date and will be paid at the reduced rate of \$11.14.  $58.31/35.9996 \times \$11.14 = \$18.04$
- Procedure code 97110, billed December 5, 2018 four units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$31.77. The second, third and fourth units will be paid at the reduced rate of \$24.  $58.31/35.9996 \times \$31.77 = \$51.46$ .  $58.31/35.9996 \times \$24.48 \times 3 = \$118.95$ .  $\$51.46 + \$118.95$
- Procedure code 97140, billed December 5, 2018 for two units has a PE of 0.35.  $58.31/35.9996 \times \$22.50 \times 2 = \$72.89$
- Procedure code 97112, billed December 5, 2018 has a PE of 0.47 not the highest for this date and will be paid at the reduced rate of \$27.60.  $58.31/35.996 \times \$27.60 = \$44.70$
- Procedure code G0283, billed December 5, 2018 has a PE of 0.23 not the highest for this date and will be paid at the reduced rate of \$11.14.  $58.31/35.9996 \times \$11.14 = \$18.04$
- Procedure code 97110, billed December 11, 2018 four units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$31.77. The second, third and fourth units will be

paid at the reduced rate of \$24.  $58.31/35.9996 \times \$31.77 = \$51.46$ .  $58.31/35.9996 \times \$24.48 \times 3 = \$118.95$ .  $\$51.46 + \$118.95$

- Procedure code 97140, billed December 11, 2018 for two units has a PE of 0.35.  $58.31/35.9996 \times \$22.50 \times 2 = \$72.89$
- Procedure code 97112, billed December 11, 2018 has a PE of 0.47 not the highest for this date and will be paid at the reduced rate of \$27.60.  $58.31/35.996 \times \$27.60 = \$44.70$
- Procedure code G0283, billed December 11, 2018 has a PE of 0.23 not the highest for this date and will be paid at the reduced rate of \$11.14.  $58.31/35.9996 \times \$11.14 = \$18.04$
- Procedure code 97110, billed December 14, 2018 four units has a PE of 0.4 the highest for this date. The first unit will be paid at the full allowable of \$31.77. The second, third and fourth units will be paid at the reduced rate of \$24.  $58.31/35.9996 \times \$31.77 = \$51.46$ .  $58.31/35.9996 \times \$24.48 \times 3 = \$118.95$ .  $\$51.46 + \$118.95$
- Procedure code 97140, billed December 14, 2018 for two units has a PE of 0.35.  $58.31/35.9996 \times \$22.50 \times 2 = \$72.89$
- Procedure code 97112, billed December 14, 2018 has a PE of 0.47 not the highest for this date and will be paid at the reduced rate of \$27.60.  $58.31/35.996 \times \$27.60 = \$44.70$
- Procedure code G0283, billed December 14, 2018 has a PE of 0.23 not the highest for this date and will be paid at the reduced rate of \$11.14.  $58.31/35.9996 \times \$11.14 = \$18.04$

4. The total allowable reimbursement for the services in dispute is \$1,272.90. The carrier made a total payment of \$977.80. The remaining balance of \$295.10 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 \$295.10.

### ***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 \$295.10, 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

March 29, 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.**