



# 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**

Hartford Casualty Insurance Co

**MFDR Tracking Number**

M4-20-0787-01

**Carrier's Austin Representative**

Box Number 47

**MFDR Date Received**

November 25, 2019

#### REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary:** "The purpose of this letter is to inform you that payment for services provided to the above referenced patient does not comply with Chapters 134.403 and 134.404 of Texas Administrative Code."

**Amount in Dispute:** \$69.90

#### RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** "Dates of service in dispute were processed in accordance with Texas Workers' Compensation Guidelines. 28 TAC §134.403. §134.203 (c)."

**Response Submitted by:** The Hartford

#### SUMMARY OF FINDINGS

| Dates of Service   | Disputed Services           | Amount in Dispute | Amount Due |
|--------------------|-----------------------------|-------------------|------------|
| April 1 – 12, 2019 | Outpatient Therapy Services | \$69.90           | \$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
  - 163 – Benefit maximum for this time period or occurrence has been reached
  - 170 – Reimbursement is based on the outpatient/inpatient fee schedule

### 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 April 1 – 12, 2019. The carrier reduced the allowed amount based on the workers compensation fee schedule 28 TAC 134.403 applies to outpatient hospital services. Section (h) requires when Medicare reimburses using other Medicare fee schedules, reimbursement is made using the applicable Division Fee Guideline in effect for that service on the date was provided.

The applicable DWC fee guideline for physical therapy is 28 TAC §134.203 (b) (1) which requires the application of Medicare payment policies applicable to professional services.

Review of the Medicare policies finds multiple procedure payment reduction (MPPR) applies to the Practice Expense (PE) of certain time-based physical therapy codes when more than one unit or procedure is provided to the same patient on the same day.

The MPPR policy allows for full payment for the unit or procedure with the highest Practice Expense (PE) payment factor and for subsequent units the Practice Expense (PE) payment factor is reduced by 50 percent.

Review of the submitted medical bill provided indicates that five procedures were billed by the health care provider. In order to determine whether the MPPR applies to the service in dispute, the DWC must rank all the services provided in April 2019 by their PE payment factor.

Here is a chart ranking the PE payment for each of the codes billed by the health care provider.

| CODE  | PRACTICE EXPENSE | ALLOWED AMOUNT                            | Medicare Policy  |
|-------|------------------|---|--|
| 97035 | 0.17             | \$10.73                                   | MPPR applies   |
| 97110 | <b>0.4</b>       | <b>\$30.31</b><br><b>\$23.55 2nd unit</b> | <b>No MPPR</b><br><b>MPPR applies to</b><br><b>second unit</b> |
| 97140 | 0.35             | \$21.70                                   | MPPR applies   |
| G0283 | 0.21             | \$10.32                                   | MPPR applies   |
| 97032 | 0.16             | \$12.00                                   | MPPR applies   |

The *MPPR Rate File* that contains the payments for 2019 services is found at <https://www.cms.gov/Medicare/Billing/TherapyServices/index.html>.

- MPPR rates are published by carrier and locality.
- The services were provided in Denton, Texas.
- The carrier code for Texas is 4412 and the locality code for Denton is 99.

The following formula represents the calculation of the DWC MAR at §134.203 (c)(1) & (2).

$$(DWC \text{ Conversion Factor} \div Medicare \text{ Conversion Factor}) \times Medicare \text{ Payment} = MAR$$

Applicable 28 TAC 134.203(h) states that the total reimbursement is the lesser of the maximum allowable reimbursement (MAR) and the billed amount.

| Date of Service | Code  | Units | Medicare Payment | DWC Conversion Factor divided by Medicare Conversion Factor or 59.19/36.0391 | Billed Amount | Lesser of MAR and billed amount |
|-----------------|-------|-------|------------------|--|---------------|---------------------------------|
| April 8, 2019   | 97032 | 1     | \$12.00          | \$19.71  | \$184.25      | \$19.71                         |
| April 3, 2019   | 97035 | 1     | \$10.73          | \$17.62  | \$152.75      | \$17.62                         |
| April 5, 2019   | 97035 | 1     | \$10.73          | \$17.62  | \$152.75      | \$17.62                         |
| April 8, 2019   | 97035 | 1     | \$10.73          | \$17.62  | \$152.75      | \$17.62                         |
| April 12, 2019  | 97035 | 1     | \$10.73          | \$17.62  | \$152.75      | \$17.62                         |
| April 3, 2019   | 97140 | 1     | \$21.70          | \$35.64  | \$141.50      | \$35.64                         |
| April 5, 2019   | 97140 | 1     | \$21.70          | \$35.64  | \$141.50      | \$35.64                         |
| April 8, 2019   | 97140 | 1     | \$21.70          | \$35.64  | \$141.50      | \$35.64                         |
| April 1, 2019   | G0283 | 1     | \$10.32          | \$16.95  | \$122.75      | \$16.95                         |
| April 3, 2019   | G0283 | 1     | \$10.32          | \$16.95  | \$122.75      | \$16.95                         |
| April 5, 2019   | G0283 | 1     | \$10.32          | \$16.95  | \$122.75      | \$16.95                         |
| Total           |       |       |                  |  |               | \$247.93                        |

- The total allowable DWC fee guideline reimbursement is \$247.93. The insurance carrier paid \$247.86. No additional payment is recommended.

### **Conclusion**

In resolving disputes over reimbursement for medically necessary health care to treat a compensable injury, the role of DWC is to adjudicate payment following Texas laws and DWC rules. The findings in this decision are based on the evidence available at the time of review. Even though not all the evidence was discussed, it was considered.

For the reasons above the requestor has not established payment is due. 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**

|           |  |                  |
|-----------|--|------------------|
|           |  | January 15, 2020 |
| Signature | Medical Fee Dispute Resolution Officer | 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 DWC within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to DWC 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 TAC §141.1(d).

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**