



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

City of Fort Worth

MFDR Tracking Number

M4-20-0990-01

Carrier's Austin Representative

Box Number 04

MFDR Date Received

December 17, 2019

Response Submitted By

Sedgwick

REQUESTOR'S POSITION SUMMARY

"Phys Conversion Factor applied to Hospital Service. Physical therapy services have not been reimbursed per state fee schedule rules."

RESPONDENT'S POSITION SUMMARY

"The original audit paid according to the MM8206 so therefore the original payment was maintained... The reduction applies to ... codes contained on the list of 'always therapy' services..."

SUMMARY OF DISPUTE

Dates of Service	Disputed Services	Dispute Amount	Amount Due
April 1, 2019 to April 24, 2019	Outpatient Occupational Therapy	\$97.46	\$0.00

AUTHORITY

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and rules of the Texas Department of Insurance, Division of Workers' Compensation (DWC) in Title 28, Part 2 of the Texas Administrative Code.

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 hospital facility fee guideline for outpatient services.
- 28 Texas Administrative Code §134.203 sets out the fee guideline for professional medical services.
- The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
 - P12 – Workers' compensation jurisdictional fee schedule adjustment.

Issues

Is the requestor entitled to additional reimbursement?

Findings

This dispute regards outpatient occupational therapy services not paid under Medicare's Outpatient Prospective Payment System but under Medicare's Physician Fee Schedule. *DWC Hospital Fee Guideline*, 28 Texas Administrative Code §134.403(h) requires use of the fee guideline applicable to the code on the date of service if Medicare pays using other fee schedules. The applicable fee guideline is *DWC's Professional Fee Guideline*.

DWC *Professional Fee Guideline*, Rule 28 TAC §134.203(c) determines the maximum allowable reimbursement (MAR) using Medicare payment policies modified by DWC rules. The MAR is the sum of the geographically adjusted work, practice expense and malpractice values multiplied by a DWC conversion factor.

Medicare's multiple-procedure payment reduction (MPPR) policy requires payment in full for the first unit of therapy with the highest practice expense. Payment is reduced by 50% of the practice expense for each extra therapy unit (codes with multiple-procedure indicator 5) provided on the same day.

Reimbursement is calculated as follows:

- Procedure code 97022 (April 1, April 8, April 15, April 17, April 24, 2019) has a Work RVU of 0.17 multiplied by the Work GPCI of 1.007 is 0.17119. The practice expense RVU of 0.33 multiplied by the PE GPCI of 0.986 is 0.32538. The malpractice RVU of 0.01 multiplied by the malpractice GPCI of 0.747 is 0.00747. The sum of 0.504 multiplied by the DWC conversion factor of \$59.19 is \$29.83. The PE for this code is not the highest; payment is reduced by 50% of the practice expense. The PE reduced rate is \$20.20. The total for 5 visits is \$101.00
- Procedure code 9714 (April 1, April 8, April 15, 2019) has a Work RVU of 0.43 multiplied by the Work GPCI of 1.007 is 0.43301. The practice expense RVU of 0.35 multiplied by the PE GPCI of 0.986 is 0.3451. The malpractice RVU of 0.01 multiplied by the malpractice GPCI of 0.747 is 0.00747. The sum is 0.78558 multiplied by the DWC conversion factor of \$59.19 for a MAR of \$46.50. The PE for this code is not the highest; payment is reduced by 50% of the practice expense. The PE reduced rate is \$36.29. The total for 3 visits is \$108.87
- Procedure code 97140 (April 17, April 24, 2019) has a Work RVU of 0.43 multiplied by the Work GPCI of 1.007 is 0.43301. The practice expense RVU of 0.35 multiplied by the PE GPCI of 0.986 is 0.3451. The malpractice RVU of 0.01 multiplied by the malpractice GPCI of 0.747 is 0.00747. The sum is 0.78558 multiplied by the DWC conversion factor of \$59.19 for a MAR of \$46.50. The PE for this code is not the highest; payment is reduced by 50% of the practice expense. The PE reduced rate is \$36.29 at 2 units is \$72.58. The total for 2 visits is \$145.16

The total allowable reimbursement for the disputed services is \$355.03. The insurance carrier paid \$355.01. Additional payment is not recommended.

Conclusion

For the reasons above, the requestor failed to establish payment is due. As a result, the amount ordered is \$0.00.

ORDER

In accordance with Texas Labor Code §413.031, based on the information submitted for review, DWC hereby determines the requestor is entitled to \$0.00 additional reimbursement for the services in dispute.

Authorized Signature

Signature

Grayson Richardson
Medical Fee Dispute Resolution Officer

January 10, 2020
Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 TAC §133.307. The appealing party must submit a *Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision* (form DWC045M). DWC must receive the request within **twenty** days of your receipt of this decision.

You may fax, mail or personally deliver the request to either the field office handling the claim or to DWC at the contact information on the form. You must send a copy to all other parties in the dispute at the same time you file the request. Include a **copy** of this **Medical Fee Dispute Decision** along with any other information required by 28 TAC §141.1(d).

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