



**Texas Department of Insurance**

**Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48  
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645  
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**MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

**GENERAL INFORMATION**

**Requestor Name**

NUEVA VIDA BEHAVIORAL HEALTH

**Respondent Name**

FEDERAL INSURANCE CO

**MFDR Tracking Number**

M4-20-1890-01

**Carrier's Austin Representative**

Box Number 17

**MFDR Date Received**

APRIL 10, 2020

***REQUESTOR'S POSITION SUMMARY***

"Nueva vida billed ONLY CPT code 90885 for date of service 5/24/19. CPT code 90885 is recognized by Medicare and is listed in the Fee Schedule as being reimbursed at \$46... The report was used to submit for preauthorization to request Individual Psychotherapy."

Disputed Amount: \$30.00

***RESPONDENT'S POSITION SUMMARY***

The respondent did not submit a response to this request for medical fee dispute resolution.

**SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
May 24, 2019	CPT Code 90885	\$30.00	\$0.00

***FINDINGS AND DECISION***

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation (DWC).

**Background**

- 28 Texas Administrative Code (TAC) §133.307, effective May 31, 2012, sets out the procedures for resolving medical fee disputes.
- The respondent denied reimbursement for the disputed services based upon the following claim adjustment reason codes:
  - P14-Pymt is included in another svc/proc same day.
  - RG3-Included in another billed procedure.

**Issue**

Is the requestor due reimbursement for CPT code 90885 rendered on May 24, 2019?

**Findings**

1. The Austin carrier representative for Federal Insurance Co is Downs Stanford, PC. Downs Stanford, PC acknowledged receipt of the copy of this medical fee dispute on April 13, 2020. Rule §133.307(d)(1) states that if the division does not receive the response within 14 calendar days of the dispute notification, then the division may base its decision on the available information

As of today, no response has been received from the carrier or its representative. We therefore base this decision on the information available as authorized under §133.307(d)(1).

2. The requestor is seeking medical dispute resolution in the amount of \$30.00 for CPT code 90885 rendered on May 24, 2019.
3. CPT code 90885 is described as “Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests, and other accumulated data for medical diagnostic purposes.”
4. The respondent denied reimbursement for CPT code 90885 based upon “P14-Pymt is included in another svc/proc same day,” and “RG3-Included in another billed procedure.”
5. To determine if the respondent’s reduction of payment is supported, the DWC refers to the following statute:
  - The fee guideline for disputed services is found at 28 TAC§134.203.
  - 28 TAC §134.203(a)(5) states, “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.”
  - 28 TAC §134.203(b)(1) states, “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; bonus payments for health professional shortage areas (HPSAs) and physician scarcity areas (PSAs); and other payment policies in effect on the date a service is provided with any additions or exceptions in the rules.”
6. Per CMS guidelines, CPT code 90885 is a status “B-Bundled” code. CMS defines status “B = Payment for covered services are always bundled into payment for other services not specified. There will be no RVUs or payment amounts for these codes and no separate payment is ever made. When these services are covered, payment for them is subsumed by the payment for the services to which they are incident (an example is a telephone call from a hospital nurse regarding care of a patient).”
7. The DWC finds the respondent’s denial of payment is supported because CPT code 90885 is a bundled code; therefore, reimbursement is not recommended.

**Conclusion**

For the reasons stated above, the DWC finds that the requestor has not established that reimbursement is due. As a result, the amount ordered is \$0.00.

***ORDER***

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the DWC has determined that the requestor is entitled to \$0.00 reimbursement for the services in dispute.

**Authorized Signature**

Signature	Medical Fee Dispute Resolution Officer	05/21/2020 Date
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## **YOUR RIGHT TO APPEAL**

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §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 DWC within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the DWC using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the DWC. **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.**