



**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**

LIBERTY MUTUAL FIRE INSURANCE CO

**MFDR Tracking Number**

M4-20-1931-01

**Carrier's Austin Representative**

Box Number 01

**MFDR Date Received**

APRIL 13, 2020

***REQUESTOR'S POSITION SUMMARY***

"The report was used to submit for preauthorization to request Individual Psychotherapy."

Disputed Amount: \$30.00

***RESPONDENT'S POSITION SUMMARY***

"The bill for DOS 05/31/2019 with CPT 90885 has been reviewed and denial stands as per Encoder PRO, 90885 a bundled or non-covered procedure based on Medicare guidelines."

Response Submitted By: Liberty Mutual Insurance

**SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
April 14, 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.
- 28 TAC §134.203, effective March 1, 2008, sets the reimbursement guidelines for the disputed service.
- The services in dispute were reduced / denied payment by the respondent with the following claim adjustment reason codes:
  - 243-The charge for this procedure was not paid since the value of this procedure is included/bundled within the value of another procedure performed.
  - W3-Additional payment made on appeal/reconsideration.

**Issue**

Is the requestor due reimbursement for CPT code 90885 rendered on April 14, 2019?

**Findings**

1. The requestor is seeking medical dispute resolution for CPT code 90885 rendered on April 14, 2019.
2. The respondent contends reimbursement is not due because “90885 a bundled or non-covered procedure based on Medicare guidelines.”
4. The requestor wrote, “The report was used to submit for preauthorization to request Individual Psychotherapy.”
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. 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.”
7. 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).”
8. The DWC finds the respondent’s denial of payment is supported because the purpose of the report was for requesting preauthorization not for a reimbursable medical management service. Also, CPT code 90885 is a status “B” 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

04/24/2020  
\_\_\_\_\_  
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 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.**