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
Baptist St Anthonys Health System

Respondent Name
State Office of Risk Management

MFDR Tracking Number
M4-20-2549-01

Carrier's Austin Representative
Box Number 45

MFDR Date Received
June 22, 2020

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: None submitted.

Amount in Dispute: $104.32

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The Office calculated the reimbursement for services in dispute pursuant to the Medicare Physician Fee Schedule… …CPT code 97022 was not included on the preauthorized list of services requested by the health care provider therefore, the Office will maintain our denial of this services…"

Response Submitted by: State Office of Risk Management

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
September 4 – 25, 2019	Outpatient Therapy Services	$104.32	$72.38

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. 28 Texas Administrative Code §134.600 details requirements of prior authorization for medical services.
5. The insurance carrier reduced payment for the disputed services with the following claim adjustment

codes:

- 197 – Payment denied/reduced for absence of precertification/preauthorization
- 59 – Processed based on multiple or concurrent procedure rules
- 96 – Non-covered charges
- P12 – Workers' compensation jurisdictional fee schedule adjustment
- 193 – Original payment decision is being maintained
- P14 – The benefit for this service is included in the payment/allowance for another service/procedure that has been performed on the same day

Issues

1. Is the carrier's denial supported?
2. Is the carrier's reduction of payment supported?
3. Is the requestor entitled to additional reimbursement?

Findings

1. The insurance carrier denied Code 97022 based on lack of prior authorization. 28 TAC 134.600 (p)(5) states in pertinent part preauthorization is required for the services in dispute. Review of the preauthorization determination letter dated September 10, 2019 found the disputed code or 97022 was not authorized. The carrier's denial is supported.

2. The requestor is seeking additional reimbursement for the remaining outpatient therapy services performed in September 2019. The carrier reduced the allowed amount based on the workers compensation fee schedule and multiple procedure payment rules.

   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. The insurance carrier's reduction of payment is supported.

   The Medicare 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 several procedures were billed by the health care provider. In order to determine the MPPR allowable, the services provided are ranked by their PE expense shown below.

Code	Practice Expense	Allowed Amount	Medicare Policy
97110	0.4	30.31/23.55	No MPPR on September 13, 17 and 20, 2019 MPPR applies September 25, 2019
97022	0.33	11.99	MPPR applies if allowed
97168	0.99	61.36	No MPPR
97165	1.33	89.64	No MPPR

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 Amarillo, Texas.
- The carrier code for Texas is 4412 and the locality code for Amarillo is 99.

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

(DWC Conversion Factor ÷ Medicare Conversion Factor) x Medicare 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 = 1.64	Billed Amount	Lesser of MAR and billed amount
September 25, 2019	97110	1	$23.55	$38.62	$177.50	$38.62
September 20, 2019	97110	3	$30.31 1st unit $23.55 additional units	$49.71 $77.24	$531.00	$129.95
September 17, 2019	97110	3	$30.31 1st unit $23.55 additional units	$49.71 $77.24	$531.00	$129.95
September 13, 2019	97110	3	$30.31 1st unit $23.55 additional units	$49.71 $77.24	$531.00	$129.95
September 25, 2019	97022	1	NA	Denial upheld	$117.00	
September 20, 2019	97010	1	NA	Not covered	$50.00	
September 17, 2019	97010	1	NA	Not covered	$50.00	
September 13, 2019	97010	1	NA	Not covered	$50.00	
September 25, 2019	97168	1	$61.36	$100.63	$173.00	$100.63
September 4, 2019	97165	1	$89.64	$147.00	$368.00	$147.00
					Total	$676.10

3. The total allowable DWC fee guideline reimbursement is $676.10. The insurance carrier paid $603.72. Additional payment of $72.38 is due to the requestor.

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 established payment is due. The amount ordered is $72.38.

ORDER

In accordance with Texas Labor Code Section 413.031 and 413.019 (if applicable) and based on the submitted information, DWC finds the requestor is entitled to additional reimbursement. DWC hereby ORDERS the respondent to remit to the requestor $72.38, plus accrued interest per Rule §134.130, due within 30 days of receipt of this order.

Authorized Signature

		July 17, 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.