



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

Doctors Hospital at Renaissance

Respondent Name

Indemnity Insurance Co of North America

MFDR Tracking Number

M4-21-0759-01

Carrier's Austin Representative

Box Number 15

MFDR Date Received

January 12, 2021

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "...reimbursement should be \$11,316.60. Payment received was only \$10,297.11 thus, according to these calculations; there is a pending payment in the amount of \$1,019.49."

Amount in Dispute: \$1,019.49

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The Carrier has paid a total of \$10,136.69, which is the allowable reimbursement for CPT code 27766. This amount is inclusive of the entire surgical procedure. Therefore, no additional reimbursement is owed."

Response Submitted by: Downs Stanford PC

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
October 10 – 15, 2020	Outpatient Hospital Services	\$1,019.49	\$30.33

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

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- 28 Texas Administrative Code §134.403 sets out the reimbursement guidelines for outpatient hospital services.
- The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
 - P12 – Workers' compensation jurisdictional fee schedule adjustment

- 4915 – The charge for the services represented by the revenue code are included/bundled into the total facility payment and do not warrant a separate payment of the payment status indicator determines the service is packaged or excluded from payment
- 797 – Service not paid under Medicare OPPTS
- 877 – Reimbursement is based on the contracted amount
- 954 – The allowance for normally packaged revenue and/or service codes have been paid in accordance with the dispersed outpatient allowance

Issue

1. Is the insurance carrier's position supported?
2. What rule is applicable to reimbursement?
3. Is additional reimbursement due to the requestor?

Findings

The requestor is seeking additional reimbursement in the amount \$1,019.49 for outpatient hospital services rendered in October 2020. The insurance carrier reduced the disputed services based on workers' compensation fee schedule and contracted rate. Review of the submitted documentation found insufficient evidence to find the injured worker was enrolled in a certified network. The insurance carrier's reduction based on a contract is not supported. The applicable fee schedule calculation is found below.

2. 28 TAC §134.403 (d) requires Texas workers' compensation system participants when coding, billing, reporting and reimbursement to apply Medicare payment policies in effect on the date of service.

The Medicare payment policy applicable to the services in dispute is found at www.cms.gov, Claims processing Manual, Chapter 4, Section 10.1.1. Specifically, Payment Status Indicators and Ambulatory Payment Category (APC).

28 TAC 134.403 (f) states in pertinent part the reimbursement calculation used for establishing the MAR shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Outpatient Prospective Payment System (OPPS) reimbursement formula and factors as published annually in the *Federal Register*. The sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 143 percent when a separate request for implant reimbursement is not made and 130 percent when separate reimbursement for implants is made.

The Medicare facility specific amount is calculated when the APC payment rate is multiplied by 60% to determine the labor portion. This amount is multiplied by the facility wage index for the date of service. The non-labor amount is determined when the APC payment rate is multiplied by 40%. The sum of the labor portion multiplied by the facility wage index and the non-labor portion determines the Medicare specific amount. Review of the submitted medical bill and the applicable fee guidelines referenced above is shown below.

- Procedure code 73600 is bundled into the J1 code 27814. No separate payment is recommended.
 - Procedure code 27814 has status indicator J1, for procedures paid at a comprehensive rate. All covered services on the bill are packaged with the primary "J1" procedure. This code is assigned APC 5114. The OPPTS Addendum A rate is \$5,699.59. This is multiplied by 60% for an unadjusted labor amount of \$3,419.75, in turn multiplied by facility wage index 0.8433 for an adjusted labor amount of \$2,883.88. The non-labor portion is 40% of the APC rate, or \$2,279.84. The sum of the labor and non-labor portions is \$5,163.72. The Medicare facility specific amount is \$5,163.72. This is multiplied by 200% for a MAR of \$10,327.44.
 - Procedure code 96374 is bundled into the J1 code 27814. No separate payment is recommended.
3. The total recommended reimbursement for the disputed services is \$10,327.44. The insurance carrier paid \$10,297.11. The amount due is \$30.33. This amount 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 established payment is due. As a result, the amount ordered is \$30.33.

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 \$30.33, plus accrued interest per Rule §134.130, due within 30 days of receipt of this order.

Authorized Signature

		February 25, 2021
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 28 TAC §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 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 DWC. **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.