



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 SURGICAL CENTER

Respondent Name

TASB RISK MANAGEMENT FUND

MFDR Tracking Number

M4-21-2124-01

Carrier's Austin Representative

Box Number 47

MFDR Date Received

JULY 19, 2021

REQUESTOR'S POSITION SUMMARY

"At this time we are requesting that this claim paid in accordance with the 2021 Texas Workers Compensation Fee Schedule and Guidelines for Ambulatory Surgical Centers."

Amount in Dispute: \$2,925.51

RESPONDENT'S POSITION SUMMARY

"The previous review is being maintained (Payment of \$5,809.60) and no additional allowance is recommended as the Payment Adjustor Factor was applied in accordance with the DWC guidelines."

Response Submitted by: TASB Risk Fund

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
March 11, 2021	Ambulatory Surgical Care Services (ASC) CPT Code 27792	\$2,925.51	\$0.00

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 (DWC).

Background

- 28 Texas Administrative Code §133.307, effective February 22, 2021, sets out the procedures for resolving medical fee disputes.
- 28 TAC §134.402, effective August 31, 2008, sets out the reimbursement guidelines for ambulatory surgical care services.
- The insurance carrier reduced/denied payment for the disputed services with the following claim adjustment codes:
 - P12-Workers' compensation jurisdictional fee schedule adjustment.
 - 790-This charge was reimbursed in accordance to the Texas medical fee guideline.

- 95-Plan procedures not followed.
- U00-There was no UR procedure treatment request received.
- 350-Bill has been identified as a request for reconsideration or appeal.
- W3-In accordance with TDI-DWC rule 134.804, this bill has been identified as a request for reconsideration or appeal.
- 193-Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly.
- 351-No additional reimbursement allowed after review of appeal/reconsideration.

Issues

Is the requestor entitled to additional reimbursement for ASC services rendered on March 11, 2021?

Findings

1. The requestor is seeking medical fee dispute resolution in the amount of \$2,925.51 for ASC services rendered on March 11, 2021.
2. The respondent contends that reimbursement of \$5,809.60 was made per the fee guideline.
3. The fee guidelines for disputed services is found in 28 TAC §134.402.

28 TAC §134.402(d) states,

For coding, billing, and reporting, of facility services covered in this rule, Texas workers' compensation system participants shall apply the Medicare payment policies in effect on the date a service is provided with any additions or exceptions specified in this section, including the following paragraphs.

- A. Per ADDENDUM AA, CPT codes 27792 is a device intensive procedure.

28 TAC §134.402(f)(2)(A)(i)(ii) states,

The reimbursement calculation used for establishing the MAR shall be the Medicare ASC reimbursement amount determined by applying the most recently adopted and effective Medicare Payment System Policies for Services Furnished in Ambulatory Surgical Centers and Outpatient Prospective Payment System reimbursement formula and factors as published annually in the *Federal Register*. Reimbursement shall be based on the fully implemented payment amount as in ADDENDUM AA, ASC COVERED SURGICAL PROCEDURES FOR CY 2008, published in the November 27, 2007 publication of the *Federal Register*, or its successor. The following minimal modifications apply:
 (2) Reimbursement for device intensive procedures shall be: (A) the sum of: (i) the ASC device portion; and (ii) the ASC service portion multiplied by 235 percent."

The following formula was used to calculate the MAR:

- Step 1 calculating the device portion of the procedure:

The national reimbursement is found in the Addendum B for National Hospital Outpatient Prospective Payment System (OPPS) code 27792 for CY 2021 = \$6,264.95

The device dependent APC offset percentage for National Hospital OPPS found in Addendum P for code 27792 for CY 2021 is 34.59%

Multiply these two = \$2,167.05

- Step 2 calculating the service portion of the procedure:

Per Addendum AA, the Medicare ASC reimbursement rate for code 27792 for CY 2021 is \$3,917.86. This number is divided by 2 = \$1,958.93.

This number multiplied by the City Wage Index for Midland, Texas of 0.8975 = \$1,758.14.

The sum of these two is the geographically adjusted Medicare ASC reimbursement = \$3,717.07.

The service portion is found by taking the geographically adjusted rate minus the device portion = \$1,550.02.

Multiply the service portion by the DWC payment adjustment of 235% = \$3,642.55.

- Step 3 calculating the MAR:

The MAR is determined by adding the sum of the reimbursement for the device portion and the service portion = \$5,809.60.

The DWC finds the MAR for CPT code 27792 is \$5,809.60. The respondent paid \$5,809.60. As a result, additional reimbursement is not recommended.

Conclusion

For the reasons stated above, the DWC finds that the requestor has not established that additional 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 disputed services.

Authorized Signature

_____	_____	08/12/2021
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 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 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 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.