



## Medical Fee Dispute Resolution Findings and Decision

### General Information

**Requestor Name**

Baylor Surgicare at Plano Parkway

**Respondent Name**

Memic Indemnity Co.

**MFDR Tracking Number**

M4-22-0114-01

**Carrier's Austin Representative**

Box Number 19

**DWC Date Received**

September 20, 2021

### Summary of Findings

| Dates of Service | Disputed Services  | Amount in Dispute | Amount Due    |
|------------------|--|-------------------|---------------|
| March 23, 2021   | Ambulatory Surgical Care Services, (ASC), CPT Code 25400 | \$3,394.07        | \$0.00        |
|                  | ASC CPT Code 76000                                       | \$0.00            | \$0.00        |
| <b>Total</b>     |  | <b>\$3,394.07</b> | <b>\$0.00</b> |

### Requestor's Position

"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: \$3,394.07**

### Respondent's Position

The Austin carrier representative for Memic Indemnity Co. is Flahive, Ogden & Latson. Flahive, Ogden & Latson received a copy of this medical fee dispute on September 28, 2021. 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).

## Findings and Decision

### Authority

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

### Statutes and Rules

1. 28 TAC §133.307, sets out the procedures for resolving medical fee disputes.
2. 28 TAC §134.402, sets out the fee guidelines for ASC services.

### Denial Reasons

The insurance carrier reduced or denied] the payment for the disputed services with the following claim adjustment codes:

- P12-Workers' compensation jurisdictional fee schedule adjustment.
- B13-Payment for service may have previously been paid.
- W3-Appeal/reconsideration.

1. Is Baylor Surgicare at Plano Parkway entitled to additional reimbursement?

### Findings

1. The requestor is seeking medical fee dispute resolution in the amount of \$3,394.07 for ASC services for CPT code 25400 rendered on March 23, 2021.

The respondent contends that additional reimbursement is not due because payment of \$6,146.06 was made per the fee guideline for CPT code 25400.

The fee guidelines for disputed services is found in 28 TAC §134.402.

Per Addendum AA, CPT codes 25400 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 25400 for CY 2021 = \$6,264.95.

The device dependent APC offset percentage for National Hospital OPPS found in Addendum P for code 28300 for CY 2021 is 40.13%

Multiply these two = \$2,514.12.

- Step 2 calculating the service portion of the procedure:

Per Addendum AA, the Medicare ASC reimbursement rate for code 25400 for CY 2021 is \$4,112.27.

This number is divided by 2 = \$2,056.14.

This number multiplied by the City Wage Index for Plano, Texas of 0.9744 = \$2,003.50.

The sum of these two is the geographically adjusted Medicare ASC reimbursement = \$4,059.64.

The service portion is found by taking the geographically adjusted rate minus the device portion = \$1,545.52.

Multiply the service portion by the DWC payment adjustment of 235% = \$3,631.97.

- Step 3 calculating the MAR:

The MAR is determined by adding the sum of the reimbursement for the device portion and the service portion = \$6,146.09.

The DWC finds the MAR for CPT code 28300 is \$6,146.09. The respondent paid \$6,146.06. As a result additional reimbursement is not recommended.

### Conclusion

The outcome of this medical fee dispute is based on the evidence presented by the requestor and the respondent at the time of adjudication. Though all evidence may not have been discussed, it was considered.

DWC finds the requester has not established that additional reimbursement is due.

## Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is not entitled to additional reimbursement for the disputed services.

### Authorized Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

\_\_\_\_\_  
12/14/2021

Date

### Your Right to Appeal

Either party to this medical fee dispute has a right to seek review of this decision under 28 TAC §133.307, which applies to disputes filed on or after **June 1, 2012**.

A party seeking review must submit DWC Form-045M, *Request to Schedule, Reschedule, or Cancel a Benefit Review Conference to Appeal a Medical Fee Dispute Decision (BRC-MFD)* and follow the instructions on the form. You can find the form at [www.tdi.texas.gov/forms/form20numeric.html](http://www.tdi.texas.gov/forms/form20numeric.html). DWC must receive the request within **20 days** of when you receive this decision. You may fax, mail, or personally deliver your request to DWC using the contact information on the form or the field office handling the claim. If you have questions about DWC Form-045M, please call CompConnection at 1-800-252-7031, option 3 or email [CompConnection@tdi.texas.gov](mailto:CompConnection@tdi.texas.gov).

The party seeking review of the MFDR decision must 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*** with any other required information listed in 28 TAC §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 1-800-252-7031, **option 3 or email** [CompConnection@tdi.texas.gov](mailto:CompConnection@tdi.texas.gov).