



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Memorial Hermann
Specialty Hospital

Respondent Name

Monroe Guaranty Insurance Company

MFDR Tracking Number

M4-22-0265-01

Carrier's Austin Representative

Box Number 01

DWC Date Received

October 8, 2021

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
March 30, 2021	29827	\$2,608.36	\$2,608.36
Total		\$2,608.36	\$2,608.36

Requestor's Position

The requestor did not submit a position statement but did submit a copy of their reconsideration which states, "...separate reimbursement was not requested for implants. Previous payment received total \$9,928.81 leaving a balance of \$2,608.36."

Amount in Dispute: \$2,608.36

Respondent's Position

Texas regulations require the payment regardless of the provider's billed charge. SmartAdvosr calculates allowances based on the following percentages identified by TDI: 200% for OPPS, 130% with implants identified.

Response Submitted by: FCCI Insurance Group

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 §134.403 sets out the fee guidelines for outpatient hospital services.

Denial Reasons

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

- P12 – Workers' compensation jurisdictional fee schedule adjustment
- 131 – Claim specific negotiated discount
- 45 – Charge exceeds fee schedule maximum allowable or contracted/legislated fee arrangement.

Issues

1. Is the insurance carriers' position supported?
2. Did the insurance carrier support a negotiated discount?
3. What rule applies for determining reimbursement for the disputed services?
4. Is the requester entitled to additional reimbursement?

Findings

1. The insurance carrier indicates their calculations was based on "SmartAdvisor" calculations at 130% as implants were identified. DWC Rule 28 TAC 134.403 (f) (1) (A) states.

The sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by:

(A) **200 percent; unless**

(B) a facility or surgical implant provider requests separate reimbursement in accordance with subsection (g) of this section, in which case the facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 130 percent.

The requestor did not request separate reimbursement of the implants. The insurance carrier's

position is not supported. The service in dispute will be calculated per the applicable fee guideline.

2. The insurance carrier indicates on the explanation of benefits that a specific negotiated discount was applied and/or a contract. Insufficient evidence was found to support that the injured worker was enrolled in a certified network or the existence of a contract. The insurance carrier's reduction is not supported.
3. DWC Rule 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).

DWC Rule 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 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. Separate reimbursement of the implants was not requested. Rule 134.403 (f) (1) (A) requires the Medicare Facility amount will be multiplied by 200 per cent. Review of the submitted medical bill and the applicable fee guidelines referenced above is shown below.

- Procedure code 29827 has status indicator J1 and is assigned APC 5114. The OPPS Addendum A rate is \$6,264.95. This is multiplied by 60% for an unadjusted labor amount of \$3,758.97, in turn multiplied by facility wage index 1.0021 for an adjusted labor amount of \$3,766.86.

The non-labor portion is 40% of the APC rate, or \$2,505.98.

The sum of the labor and non-labor portions is \$6,272.84.

The Medicare facility specific amount is \$6,272.84.

This is multiplied by 200% for a MAR of \$12,545.68.

4. The total recommended reimbursement for the disputed services is \$12,545.68. The insurance carrier paid \$9,929.81. The requestor is seeking additional reimbursement of \$2,608.36. This amount is recommended.

5.

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 established that additional reimbursement of \$2,608.26 is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to additional reimbursement for the disputed services. It is ordered that Monroe Guaranty Insurance Company must remit to Memorial Hermann Specialty Hospital \$2,608.26 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC 134.130.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

November 9, 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. 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.

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, opción 3 o correo electrónico CompConnection@tdi.texas.gov.

