

## Medical Fee Dispute Resolution Findings and Decision

### General Information

**Requestor Name**

PATIENT CARE INJURY CLINIC PA

**Respondent Name**

SOMPO AMERICA INSURANCE CO

**MFDR Tracking Number**

M4-23-0713-01

**Carrier's Austin Representative**

Box Number 19

**DWC Date Received**

November 21, 2022

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
February 4, 2022	Code 97110 - GP	\$211.60	\$171.97
February 4, 2022	Code 97140 - GP	\$97.26	\$80.17
February 4, 2022	Code 97112 - GP	\$61.43	\$61.43
February 7, 2022	Code 97110 - GP	\$211.60	\$171.97
February 7, 2022	Code 97140 - GP	\$97.26	\$80.17
February 7, 2022	Code 97112 - GP	\$61.43	\$61.43
March 16, 2022	Code 97110 - GP	\$211.60	\$171.97
March 16, 2022	Code 97140 - GP	\$97.26	\$80.17
March 16, 2022	Code 97112 - GP	\$61.43	\$61.43
April 5, 2022	Code 97110 - GP	\$243.36	\$171.97
April 5, 2022	Code 97140 - GP	\$111.86	\$80.17
April 5, 2022	Code 97112 - GP	\$70.65	\$64.85
April 20, 2022	Code 97110 - GP	\$243.36	\$171.97
April 20, 2022	Code 97140 - GP	\$111.86	\$80.17
April 20, 2022	Code 97112 - GP	\$70.65	\$64.85
May 16, 2022	Code 97110 - GP	\$243.36	\$171.97
May 16, 2022	Code 97140 - GP	\$111.86	\$80.17
May 16, 2022	Code 97112 - GP	\$70.65	\$64.85
<b>Total</b>		<b>\$2,388.48</b>	<b>\$1,891.68</b>

### Requestor's Position

"Our facility has been having difficulties with the above carrier in processing our bill for services rendered.

Bills originally mailed to Gallagher Bassett : (EOR's – first and second denial provided)."

**Amount in Dispute:** \$2,388.48

### **Respondent's Position**

"The provider filed a DWC-60 seeking medical fee dispute resolution for physical therapy services between February 4, 2022 and May 16, 2022. The CPT codes in question are 97110GP, 97140GP and 97112GP."

**Submitted By:** Flahive Ogden & Latson

### **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 Texas Administrative Code (TAC) §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 TAC §134.203 sets out the fee guideline for professional medical services.

#### Denial Reasons

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

- 1 – (197) payment denied/reduced for absence of precertification/authorization
- 1 – Not all dos have been authorized

#### Issues

1. Are the insurance carrier's denial reasons supported?
2. Is the Requestor entitled to reimbursement?

#### Findings

1. The insurance carrier has denied the disputed services with denial reason "1 – (197) – Payment denied/reduced for absence of precertification/authorization" and "1 – Not all dos have been authorized." Review of the preauthorization provided supports preauthorized services for the dates in dispute beginning with February 4, 2022 to May 16, 2022. The following dates are covered. Therefore, insurance carrier denial is not supported.
2. DWC Rule 28 TAC §134.203 (b)(1) states "For coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants shall apply the following:

(1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers; bonus payments for health professional shortage areas (HPSAs) and physician scarcity areas (PSAs); and other payment policies in effect on the date a service is provided with any additions or exceptions in the rules.”

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 three 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
97110	0.4	30.94/23.82
97140	0.35	28.44/22.21
97112	0.49	35.93/27.2

The MPPR Rate File that contains the payments for 2022 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 Houston, Texas
- The carrier code for Texas is 4412 and the locality code is 18

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

$(\text{DWC Conversion Factor} \div \text{Medicare Conversion Factor}) \times \text{Medicare Payment} = \text{MAR}$

Applicable 28 TAC §134.203 (h) states reimbursement shall be the least of the:

- (1) MAR amount;

Date of Service	Code	Units	Medicare Payment	DWC Conversion factor divided by Medicare	Billed Amount	Lesser of MAR and billed amount
-----------------	------	-------	------------------	---	---------------	---------------------------------

				Conversion Factor or $62.46 \div 34.6062$ = 1.80		
February 4, 2022	97110-GP	4	\$23.82	\$171.97	\$211.60	\$171.97
February 4, 2022	97140-GP	2	\$22.21	\$80.17	\$97.26	\$80.17
February 4, 2022	97112-GP	1	\$35.93	\$64.85	\$61.43	\$61.43
February 7, 2022	97110-GP	4	\$23.82	\$171.97	\$211.60	\$171.97
February 7, 2022	97112-GP	1	\$35.93	\$64.85	\$61.43	\$61.43
February 7, 2022	97140-GP	2	\$22.21	\$80.17	\$97.26	\$80.17
March 16, 2022	97110-GP	4	\$23.82	\$171.97	\$211.60	\$171.97
March 16, 2022	97140-GP	2	\$22.21	\$80.17	\$97.26	\$80.17
March 16, 2022	97112-GP	1	\$35.93	\$64.85	\$61.43	\$61.43
April 5, 2022	97110-GP	4	\$23.82	\$171.97	\$243.36	\$171.97
April 5, 2022	97140-GP	2	\$22.21	\$80.17	\$111.86	\$80.17
April 5, 2022	97112-GP	1	\$35.93	\$64.85	\$70.65	\$64.85
April 20, 2022	97110-GP	4	\$23.82	\$171.97	\$243.36	\$171.97
April 20, 2022	97140-GP	2	\$22.21	\$80.17	\$111.86	\$80.17
April 20, 2022	97112-GP	1	\$35.93	\$64.85	\$70.65	\$64.85
May 16, 2022	97110-GP	4	\$23.82	\$171.97	\$243.36	\$171.97
May 16, 2022	97140-GP	2	\$22.21	\$80.17	\$111.86	\$80.17
May 16, 2022	97112-GP	1	\$35.93	\$64.85	\$70.69	\$64.85
Total						\$1,891.68

3. The DWC finds that due to the reasons indicated above, the requestor is entitled to a total reimbursement amount of \$1,891.68. This amount is 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.

The DWC finds the requester has established that reimbursement of \$1,891.68 is due.

### Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to reimbursement for the disputed services. It is ordered that the Respondent must remit to the Requestor \$1,891.68 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC §134.130.

#### Authorized Signature

 January 19, 2023  
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 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, opción 3 o correo electrónico [CompConnection@tdi.texas.gov](mailto:CompConnection@tdi.texas.gov).