



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

NUEVA VIDA BEHAVIORAL HEALTH

Respondent Name

ACUITY A MUTUAL INSURANCE COMPANY

MFDR Tracking Number

M4-23-0928-01

Carrier's Austin Representative

Box Number 17

DWC Date Received

December 23, 2022

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
February 24, 2022	96158 and 96159	\$215.00	\$198.78
Total		\$215.00	\$198.78

Requestor's Position

"According to Texas Medical Fee Guidelines, the CPT code 96158/96159 considers psychological interventions as necessary to address non-compliance with the treatment plan, and/or the psychological, behavioral, emotional, cognitive, or social factors associated with a newly diagnosed medical condition or an exacerbation of an established medical condition when such factors affect symptom management and expression and health promoting behaviors. Further, the Health and Behavior Intervention (96158/96159) is described as an individual session that does not require pre-authorization."

Amount in Dispute: \$215.00

Respondent's Position

"It is Corvel's position that the HCP is changing billing codes to bypass preauthorization requirements and that DOS 2/24/2022 actually involved psychotherapy treatment that required preauthorization."

Response Submitted by: CorVel

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.
3. 28 TAC §134.600 sets out the guidelines for preauthorization, concurrent review, and voluntary certification of healthcare.

Denial Reasons

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

- Note: HCP is coding Psych services as behavioral therapy after approved psych visits exceeded on 2/17/2022. Notes for 2/17/22 treatment, billed as 90837 are the exact same as 96158/96159 billed on 2/24/2022-indicating psych therapy occurred. No socially inappropriate behaviors documented that would warrant behavior therapy.
- 197 – Payment adjusted for absence of precert/preauth
- 97A – Provider Appeal.

Issues

1. What is the definition of CPT Codes 96158 and 96159?
2. Is the insurance carrier's denial reason supported?
3. Is the requestor entitled to reimbursement??

Findings

1. The requestor billed CPT Codes 96158 and 96159 rendered on February 24, 2022. The insurance carrier in the position summary states in pertinent part, "It is Corvel's position that the HCP is changing billing codes to bypass preauthorization requirements and that DOS 2/24/2022 actually involved psychotherapy treatment that required preauthorization."

28 TAC §134.203 (b) states in pertinent part, "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."

CPT Code 96158 is defined as "Health behavior intervention, individual, face-to-face; initial 30 minutes."

CPT Code 96159 is defined as "Health behavior intervention, individual, face-to-face; each additional 15 minutes."

The disputed services are considered health and behavior assessment and intervention services. Review of the medical documentation supports the billing of CPT 96158 and 96159, as a result, the insurance carrier's denial reason is not supported.

2. The insurance carrier denied the disputed services with reason codes 197 (description provided above).

28 TAC §134.600 (c) (1) (B) states in pertinent part, "(c) The insurance carrier is liable for all reasonable and necessary medical costs relating to the health care: (1) listed in subsection (p) or (q) of this section only when the following situations occur... (B) preauthorization of any health care listed in subsection (p) of this section that was approved prior to providing the health care..."

28 TAC §134.600 (p) (7) states in pertinent part "(p) Non-emergency health care requiring preauthorization includes: (7) all psychological testing and psychotherapy, repeat interviews, and biofeedback, except when any service is part of a preauthorized return-to-work rehabilitation program..."

The DWC finds that CPT Codes 96158 and 96159 do not require preauthorization per 28 TAC §134.600 (p)(7). As a result, reimbursement is determined per 28 TAC §134.203.

3. 28 TAC §134.203 states in pertinent part, "(c) To determine the MAR for professional services, system participants shall apply the Medicare payment policies with minimal modifications. (1) For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$52.83. For Surgery when performed in a facility setting, the established conversion factor to be applied is \$66.32. (2) The conversion factors listed in paragraph (1) of this subsection shall be the conversion factors for calendar year 2008. Subsequent year's conversion factors shall be determined by applying the annual percentage adjustment of the Medicare Economic Index (MEI) to the previous year's conversion factors, and shall be effective January 1st of the new calendar year..."

To determine the MAR the following formula is used: (DWC Conversion Factor/Medicare Conversion Factor) X Medicare Payment = Maximum Allowable Reimbursement (MAR).

- The disputed services were rendered in 2022.
- The 2022 DWC Conversion Factor is 62.46
- The 2022 Medicare Conversion Factor is 34.6062
- Per the medical bills, the services were rendered in zip code 78230; the Medicare locality is "Rest of Texas."

The Medicare Participating amount for CPT code 96158 at this locality is \$65.47.

- Using the above formula, the MAR is \$118.17.
- The respondent paid \$0.00.
- Reimbursement of \$118.17 is recommended for CPT Code 96158.

The Medicare Participating amount for CPT code 96159 x 2 units at this locality is \$22.33/unit.

- Using the above formula, the MAR is \$40.30 x 2 units = Total MAR of \$80.61.
- The respondent paid \$0.00.
- Reimbursement of \$80.61 is recommended for CPT Code 96159.

The DWC finds that the requestor is entitled to a total recommended amount of \$198.78.

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 \$198.78 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 \$198.78 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC §134.130.

Authorized Signature

_____	_____	February 21, 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. 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.