



## Medical Fee Dispute Resolution Findings and Decision General Information

**Requestor Name**

Cesar Duclair, M.D.

**Respondent Name**

National Union Fire Insurance Co of Pittsb PA

**MFDR Tracking Number**

M4-23-1591-01

**Carrier's Austin Representative**

Box Number 19

**DWC Date Received**

March 8, 2023

### Summary of Findings

Date(s) of Service	Disputed Services	Amount in Dispute	Amount Due
04/02/2022	99205-25	\$387.90	\$0.00
04/02/2022	95886	\$0.00	\$0.00
04/04/2022	95912	\$0.00	\$0.00
<b>Total</b>		<b>\$387.90</b>	<b>\$0.00</b>

### Requestor's Position

Texas Administrative Code (TAC)§133.307(c)(2)(N) sets out requirements of requester's position statement when requesting medical fee dispute resolution (MFDR) states in pertinent part "... a position statement of the disputed issue(s) that shall include: (i) the requestor's reasoning for why the disputed fees should be paid or refunded, (ii) how the Labor Code and division rules, including fee guidelines, impact the disputed fee issues, and (iii) how the submitted documentation supports the requestor's position for each disputed fee issue... "

Requester's position statement, submitted by Genesis Medical Management Solutions, references CPT Code 99202 but does not reference the disputed service, CPT Code 99205. Therefore, the requester's position statement is not relevant to this dispute.

**Amount in Dispute:** \$387.90

### Respondent's Position

"The provider filed a DWC 60 seeking Medical Fee Dispute Resolution for a date of service of April 2, 2022. The provider billed under CPT codes 99205, 95886 and 95912. The provider acknowledges that the carrier has paid all of the monies owed under CPT codes 95886 and 95912. However, the

provider is seeking payment of \$387.90 for CPT code 99205 which is a modifier of 25. The provider has included the carrier's EOBs and the DWC 60 packet. This includes the EOB dated December 21, 2022. The carrier's position is set out in that EOB. The carrier stands by the denial language in that EOB. The documentation submitted with the provider's bill does not support the reimbursement of CPT code 99205-25."

**Response Submitted by:** National Union Fire Insurance Co. of Pitts, PA

## 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 §134.203 sets out the fee guideline for professional medical services.
3. 28 TAC §133.210 sets out medical documentation requirements for reimbursement of medical services.

### Denial Reasons

The insurance carrier denied the payment for the disputed service with the following claim adjustment codes:

- 90168 – Payment adjusted because the payer deems the information submitted does not support this level of service.
- 150 – Payment adjusted / unsupported service level.
- 193 – Original payment decision is being maintained. Upon review it was determined that this claim was processed properly.
- P12 – Workers' Compensation jurisdictional fee schedule adjustment.
- 247 – A payment or denial has already been recommended for this service.

### Issues

1. What rules apply to the disputed services?
2. Is the requestor entitled to reimbursement for CPT Code 99205-25?

### Findings

Note that CPT Codes 95886 and 95912, were included on the DWC60 form and on the same bill with disputed service code 99205-25, have been reimbursed and are not in dispute. Therefore, only 99205-25 will be addressed and adjudicated.

1. The division finds that 28 TAC §133.210(c)(1) applies to reimbursement of CPT code 99205-25.

28 Texas Administrative Code(TAC) §133.210(c)(1) sets out medical documentation requirements, stating in pertinent part "In addition to the documentation requirements of subsection (b) of this section, medical bills for the following services shall include the following supporting documentation: the two highest Evaluation and Management office visit codes for new and established patients: office visit notes/report satisfying the American Medical Association requirements for use of those CPT codes..."

The division finds that 28 TAC §134.203(b)(1) applies to reimbursement of CPT code 99205-25.

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."

2. The requestor is seeking reimbursement in the amount of \$387.90 for CPT Code 99205-25 rendered on April 2, 2022.

- CPT Code 99205 is defined as, "Office or other outpatient visit for the evaluation and management of a new patient, which requires a medically appropriate history and/or examination and high level of medical decision making. When using time for code selection, 60-74 minutes of total time is spent on the date of the encounter."
- The American Medical Association (AMA) CPT Code and Guideline Changes, effective January 1, 2021, can be found at: <https://www.ama-assn.org/system/files/2019-06/cpt-office-prolonged-svs-code-changes.pdf>. In summary, CPT 99205 documentation must contain two out of three of the following elements: 1) high level of number and complexity of problems addressed 2) extensive level of amount and/or complexity of data to be reviewed and analyzed 3) high risk of morbidity/mortality of patient management OR must document 60-74 minutes of total time spent on the date of patient encounter.
- An interactive Evaluation and Management (E&M) scoresheet tool is available at: <https://www.novitas-solutions.com/webcenter/portal/MedicareJL/EMScoreSheet>

A review of submitted medical documentation finds that a high level of MDM was not met in the elements of 1) number and complexity of problems addressed 2) extensive level of data to be reviewed and analyzed nor 3) high risk of morbidity/mortality of patient management. Submitted medical record shows 85 minutes of time spent on date of encounter included time spent performing and interpreting EMG/NCV diagnostic procedure, rather than time spent separately on E&M service, therefore time documented does not count toward reimbursement of disputed CPT code 99205-25.

Per CMS article, found at:

[Article - Billing and Coding: Nerve Conduction Studies and Electromyography \(A57478\) \(cms.gov\)](#),

"I. Coding Guidelines A.) Evaluation/Management (E/M) 1) Usually an E&M service is included in the exam performed just prior to and during nerve conduction studies and/or electromyography. If the E&M service is a separate and identifiable service, the medical record must document medical necessity and the CPT code must be bill with a modifier 25."

- See [Modifier 25 fact sheet \(novitas-solutions.com\)](https://www.novitas-solutions.com) for appropriate and inappropriate use of modifier 25 when billing for E&M service codes. In summary, appending modifier 25 to new patient E&M service codes is an inappropriate use of modifier 25.
- The division finds that the requester is not entitled to reimbursement for CPT code 99205-25 rendered on April 2, 2022.

### 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 Division finds the requester has not established that reimbursement is due.

### **ORDER**

Under Texas Labor Code §§413.031, the Division has determined the requestor is entitled to \$0.00 reimbursement for the disputed services.

### **Authorized Signature**

_____	_____	April 14, 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 electronico [CompConnection@tdi.texas.gov](mailto:CompConnection@tdi.texas.gov).