



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Peak Integrated Healthcare

Respondent Name

Old Republic Insurance Co.

MFDR Tracking Number

M4-23-1844-01

Carrier's Austin Representative

Box Number 44

DWC Date Received

March 28, 2023

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
11/01/2022	97750-GP	\$502.08	\$385.44
11/10/2022	99361-W1	\$113.00	\$0.00
11/14/2022	99213	\$167.22	\$0.00
11/14/2022	99080-73	\$15.00	\$0.00
11/14/2022	97110-GP	\$330.42	\$0.00
11/14/2022	97112-GP	\$128.08	\$0.00
12/06/2022	97110-GP	\$330.42	\$0.00
12/06/2022	97112-GP	\$128.08	\$0.00
Total		\$1,714.30	\$385.44

Requestor's Position

Regarding date of service (DOS) 11/01/2022: "We received no response to this reconsideration...The above dates of service were denied payment due to 'BENEFIT MAXIMUM HAS BEEN REACHED AND EXCEEDS MPPR.' THIS IS INCORRECT. The fee schedule allows for \$502.08 to be charged for PHYSICAL PERFORMANCE EVALUATION that lasts 2 hours (8 units)... The charge does not exceed the fee schedule..."

Regarding DOS 11/10, 11/14/2022: "We received no payment or response for these dates of service...The above dates of service were denied full payment stating 'EXTENT OF INJURY AND PREVIOUSLY PAID'. This is incorrect."

Regarding DOS 12/06/2022: "The above dates of service were denied full payment stating 'EXTENT OF INJURY AND CLAIM NOT COVERED BY PAYER AND CONTRACTOR'. This is incorrect."

Per email correspondence with MDRInquiry 06/02/2023: "we have received payment for dates of service 11/10/22, 11/14/22, and 12/06/22. So, those service dates can be withdrawn. Please still issue a decision on 11/01/22..."

Amount in Dispute: \$1,714.30

Respondent's Position

"Our initial response to the above referenced medical fee dispute resolution is as follows: we have escalated the bills in question for manual review to determine if additional monies are owed. We will provide a supplemental response once the bill auditing company has finalized their review."

Respondent's Supplemental Position 04/27/2023: "...the bills in question were escalated and a review completed. Our bill audit company has determined no further payment is due. The rationale for this determination is found below. DOS: 11/01/2022 - 11/01/2022 Rationale: CV has determined the denial is correct and no monies are due to the provider for the disputed date of Service."

Response Submitted by: Gallagher Bassett

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. Texas Administrative Code (TAC) [28 TAC §133.307](#) sets out the procedures for resolving medical fee disputes.
2. [28 TAC §134.203](#) sets out the fee guidelines for reimbursement of professional medical services provided in the Texas workers' compensation system.

Adjustment Reasons

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

DOS 11/01/2022 denial reasons:

- 112 – Service not furnished directly to patient or not documented.
- 119 – Benefit maximum for this time period or occurrence has been reached.
- 163 – The charge for this procedure exceeds the unit value and/or multiple procedure rules.

Issues

1. Which dates of service will be adjudicated in this medical fee dispute resolution (MFDR) case?
2. Are the Insurance Carrier's (IC) denial reasons supported?
3. Is the requestor entitled to reimbursement for CPT Code 97750-GP rendered on November 1, 2022?

Findings

1. Per requester's email correspondence on June 2, 2023, quoted in requester's position statements above, the requester has received payment on all disputed dates of service except November 1, 2022. Previously disputed dates of service 11/10/22, 11/14/22, and 12/06/22 have been withdrawn from this dispute. Therefore, the only date of service that will be reviewed and adjudicated is November 1, 2022.
2. The insurance carrier denied disputed service, CPT Code 97750-GP x 8 units, rendered on November 1, 2022, with denial reasons described above.

CPT Code 97750-GP is defined as "Physical performance test or measurement (eg, musculoskeletal, functional capacity), with written report, each 15 minutes."

The requestor appended the "GP" modifier to code 97750. The "GP" modifier is described as "Services delivered under an outpatient physical therapy plan of care."

Per CMS' Billing and Coding: Outpatient Physical and Occupational Therapy Services, Article ID A56566, effective October 1, 2020:

These tests and measurements are beyond the usual evaluation services performed. Examples of physical performance tests or measurements include isokinetic testing, Functional Capacity Evaluation (FCE) and Tinetti. This code may be used for the 6-minute walk test, with a computerized report of the patient's oxygen saturation levels with increasing stress levels, performed under a PT or OT plan of care on pulmonary rehabilitation patients.

The therapy evaluation and re-evaluation codes are for a comprehensive review of the patient including, but not limited to, history, systems review, current clinical findings, establishment of a therapy diagnosis, and estimation of the prognosis and determination and/or revision of further treatment. CPT 97750 is intended to focus on patient performance of a specific activity or group of activities (CPT Assistant, December 2003).

There must be written evidence documenting the problem requiring the test, the specific test performed, and a separate measurement report. This report may include torque curves and other graphic reports with interpretation.

97750 should not be used to bill for patient assessments/re-assessments such as ROM testing or manual muscle testing completed at the start of care (as this is typically part of the examination included in the initial evaluation) and/or as the patient progresses through the episode of treatment.

Supportive Documentation Requirements (required at least every 10 visits) for 97750:

- Problem requiring the test and the specific test performed
- Separate measurement report, including any graphic reports
- Application to functional activity
- How the test impacts the plan of care

Per explanation of benefits(EOB) submitted, denial reasons involve documentation. Review of submitted medical record finds that the requester documented a 2 hour (8 units) physical

performance evaluation on November 1, 2022, for the injured employee named on medical bill, in compliance with documentation requirements as outlined above. Denial reasons also include benefit maximum reached. Review of submitted documentation finds no support that this injured employee has reached a benefit maximum.

The division finds that the carrier's denial reasons of disputed service, 97750-GP, rendered on November 1, 2022, are not supported.

3. The requester is seeking reimbursement for 8 units of CPT code 97750-GP rendered on November 1, 2022.

The fee guidelines applicable to disputed service 97750-GP are found at 28 TAC §134.203.

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."

28 TAC §134.203 (c)(1) states, "To determine the maximum allowable reimbursement (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..."

Medicare Claims Processing Manual Chapter 5, 10.3.7-effective June 6, 2016, titled Multiple Procedure Payment Reductions (MPPR) for Outpatient Rehabilitation Services, states:

Full payment is made for the unit or procedure with the highest PE payment. For subsequent units and procedures with dates of service prior to April 1, 2013, furnished to the same patient on the same day, full payment is made for work and malpractice and 80 percent payment is made for the PE for services submitted on professional claims (any claim submitted using the ASC X12 837 professional claim format or the CMS-1500 paper claim form) and 75 percent payment is made for the PE for services submitted on institutional claims (ASC X12 837 institutional claim format or Form CMS-1450).

For subsequent units and procedures with dates of service on or after April 1, 2013, furnished to the same patient on the same day, full payment is made for work and malpractice and 50 percent payment is made for the PE for services submitted on either professional or institutional claims.

To determine which services will receive the MPPR, contractors shall rank services according to the applicable PE relative value units (RVU) and price the service with the highest PE RVU at 100% and apply the appropriate MPPR to the remaining services. When the highest PE RVU applies to more than one of the identified services, contractors shall additionally sort and rank these services according to highest total fee schedule amount, and price the service with the highest total fee schedule amount at 100% and apply the appropriate MPPR to the remaining services.

The multiple procedure rule (MPPR) discounting applies to the disputed service.

The MPPR Rate File that contains the payments for 2022 services is found at:

www.cms.gov/Medicare/Billing/TherapyServices/index.html.

- The disputed date of service is November 1, 2022.
- The DWC conversion factor for 2022 is 62.46.
- The Medicare conversion factor for 2022 is 34.6062.
- MPPR rates are published by carrier and locality.
- The services were rendered in zip code 75043; therefore, the Medicare locality is 11, Dallas, TX.
- The Medicare participating amount for CPT code 97750 in 2022, at this locality, is \$34.77 for the first unit, and \$25.54 for subsequent units.

To determine the MAR the following formula is used:

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

- Using the above formula, the MAR is \$62.76 for the first unit, and \$46.10 for subsequent units x 7 units = \$322.68.
- Therefore, total MAR for 8 units of 97750 on November 1, 2022, = \$385.44.

The respondent paid \$0.00; \$385.44 is the recommended reimbursement for 97750-GP x 8 units, rendered on November 1, 2022.

The division finds that the requestor is entitled to reimbursement for 8 units of CPT 97750-GP.

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 established that reimbursement is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to reimbursement for the disputed service.

It is ordered that Old Republic Insurance Co. must remit to Peak Integrated Healthcare \$385.44 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

June 6, 2023
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.