



Medical Fee Dispute Resolution Findings and Decision General Information

Requestor Name

PEAK INTEGRATED HEALTHCARE

Respondent Name

STATE FARM FIRE & CASUALTY COMPANY

MFDR Tracking Number

M4-23-1935-01

Carrier's Austin Representative

Box Number 01

DWC Date Received

April 6, 2023

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
July 28, 2022 and October 17, 2022	99213 and 99080-73	\$364.44	\$364.44
Total		\$364.44	\$364.44

Requestor's Position

"This patient had a CONTESTED CASE HEARING on December 2, 2022 and it was determined that the patient sustained a compensable injury... I have included a copy of the decision and order. Per Rule 410.208(a)(b) a carrier is court ordered to PAY IN FULL."

Amount in Dispute: \$364.44

Requestor's Supplemental Position

"We have not been paid for the 7/28, and 10/17 dates of service, all others have been paid."

Respondent's Position

"I have been assigned this matter by Carrier, State Farm Fire & Casualty, to respond on its behalf regarding the above MFDR referenced matter. Carrier has confirmed that the bills pursuant to this matter have been sent to the appropriate department for processing and will be processed expeditiously. This should resolve the outstanding matter."

Response Submitted by: Smith & Carr, P.C.

Respondent's Supplemental Position

"I will request these from the Adjuster once the payments have been made and will forward them once received."

Response Submitted by: Smith & Carr, P.C.

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 §129.5 sets out the fee guidelines for the DWC73 reports.

Denial Reasons

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

- 5050 – Claim is denied. No payment will be made.
- P4 – Workers' compensation claim adjudicated as non-compensable. This payer not liable for claim or service/treatment.
- N612 – Medical provider not authorized/certified to provide treatment to injured workers in this jurisdiction.
- P1 – These are adjustments initiated by the payer, for such reasons as billing errors or services that are considered not 'reasonable or necessary.' The amount adjusted is generally not the patient's responsibility, unless the workers' compensation state law allows the patient to be billed.

Issues

1. Did the insurance carrier issue payments for the services in dispute?
2. Does the dispute contain and unresolved CEL issues for CPT Codes 99213, and 99080-73 rendered on July 28, 2022 and October 17, 2022?
3. What is the description of disputed CPT Codes 99213 and 99080-73?
4. Is the requestor entitled to reimbursement for CPT Code 99080-73?
5. Is the requestor entitled to reimbursement for CPT Code 99213?
6. Is the Requestor entitled to reimbursement?

Findings

1. The requestor seeks reimbursement for dates of service June 7, 2022 through November 30, 2022.

Review of the insurance carrier's response submitted by Smith & Carr, P.C, states, "I will request these from the Adjuster once the payments have been made and will forward them once received."

Review of the requestor's response states, "We have not been paid for the 7/28, and 10/17 dates of service, all others have been paid."

The DWC determines that the submitted paperwork demonstrates that payments were made by the insurance carrier for the disputed dates of service occurring on June 7, 2022, July 14, 2022, August 16, 2022, October 3, 2022, and November 30, 2022. These dates are therefore not included in this review.

Dates of service, July 28 and October 17, 2022 were not reimbursed, so the DWC will make a determination on these dates.

2. The requestor seeks payment for CPT codes 99213, and 99080-73 rendered on July 28, 2022, and October 17, 2022. Review of the submitted documentation supports that the insurance carrier no longer opposes the CEL issues, as a result, the disputed dates of service are subsequently reviewed pursuant to the applicable rules and guidelines.
3. 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 requestor billed CPT Code 99213.

- CPT Code 99213 is described as, "Office or other outpatient visit for the evaluation and management of an established patient, which requires a medically appropriate history and/or examination and low level of medical decision making. When using time for code selection, 20-29 minutes of total time is spent on the date of the encounter."

The DWC finds that 28 TAC §134.203 applies to the reimbursement of CPT Code 99213.

The requestor billed CPT Code 99080-73.

- CPT Code 99080-73 is described as "Special reports such as insurance forms, more than the information conveyed in the usual medical communications or standard reporting form.

28 TAC §134.239 states, "When billing for a work status report that is not conducted as a part of the examinations outlined in §134.240 and §134.250 of this title, refer to §129.5 of this title."

The DWC finds that 28 TAC §129.5 applies to the reimbursement of CPT Code 99080-73.

4. CPT Code 99080-73 rendered on July 28, 2022 and October 17, 2022 is reviewed pursuant to 28 TAC §129.5.

28 TAC §129.5(i)(1) states "Notwithstanding any other provision of this title, a doctor may bill for, and a carrier shall reimburse, filing a complete Work Status Report required under this section or for providing a subsequent copy of a Work Status Report which was previously filed because the carrier, its agent, or the employer through its carrier, asks for an extra copy. The amount of reimbursement shall be \$15. A doctor shall not bill in excess of \$15 and shall not bill or be entitled to reimbursement for a Work Status Report which is not reimbursable under this section. Doctors are not required to submit a copy of the report being billed for with the bill if the report was previously provided. Doctors billing for Work Status Reports as permitted by this section shall do so as follows: (1) CPT code "99080" with modifier "73" shall be used when the doctor is billing for a report required under subsections (d)(1), (d)(2), and (f) of this section."

28 TAC §129.5 (d)(1) and (2) states "The doctor shall file the Work Status Report: (1) after the initial examination of the employee, regardless of the employee's work status; (2) when the employee experiences a change in work status or a substantial change in activity restrictions."

A review of the submitted documentation finds the following:

A review of the DWC 73's rendered on July 28, 2022 and October 17, 2022, finds that the requestor met the documentation requirements outlined in 28 TAC §129.5, therefore, reimbursement of \$15.00 is recommended for this report.

The DWC finds that the requestor is therefore entitled to reimbursement of \$15.00 for each disputed date of service for a total recommended amount of \$30.00.

5. CPT Codes 99213 rendered on July 28, 2022 and October 17, 2022 is reviewed pursuant to 28 TAC §134.203.

A review of the office notes, finds that the requestor documented and billed for CPT Code 99213 as a result, the requestor is entitled to reimbursement for CPT Code 99213.

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).

Services provided 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 75043; the Medicare locality is "Dallas Texas."
- The Medicare Participating amount for CPT code 99213 at this locality is \$92.65.
- Using the above formula, the DWC finds the MAR is \$167.22.
- The respondent paid \$0.00.
- The requestor is due $\$167.22 \times 2 =$ total MAR amount of \$334.44 for dates of service July 28, 2022 and October 17, 2022.

6. The DWC finds that the requestor is entitled to a total reimbursement in the amount of \$364.44. 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 \$364.44 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 \$364.44 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

August 14, 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.