

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on April 18, 2003.

I. DISPUTE

Whether there should be reimbursement for CPT codes 73100-WP, 99080-73, 99205-MP, 97250, 97265, 97032, 97110, 85852, 97750-MT, 99213-MP, 97010, 99213, 99071, 97750-FC, 97545-WH, and 97546-WH.

II. FINDINGS

The requestor has withdrawn the medical necessity issues included in dates of service 10/16/02, 10/17/02 and 10/18/02.

III. RATIONALE

The requestor submitted EOB's showing payments were made for dates of service 10/17/02 and 10/18/02; therefore, these dates of service will not be reviewed.

The disputed dates of service were originally denied as "R" & "E". Per a Contested Case Hearing held March 3, 2003, the only compensable body area is the right wrist.

Neither the requestor or respondent submitted EOB's for dates of service 10/25/02 through 10/31/02, 01/15/03 and 02/27/03; therefore, these dates of service will be review according to the Rules and 1996 Medical Fee Guideline.

- CPT Code 73100-WP for date of service 8/27/02. Per the 1996 Medical Fee Guideline, Radiology/Nuclear Medicine Ground Rule (I)(A)(2) SOAP notes support delivery of service. Reimbursement in the amount of \$42.00 is recommended.
- CPT Code 99080-73 for date of service 8/27/02 & 11/26/02. Per §133.106(f)(1) TWCC-73 support delivery of service. Reimbursement in the amount of \$30.00 is recommended.
- CPT Code 99080-73 for dates of service 09/27/02, 0/25/02, 12/30/02, and 02/27/03. Per §133.106(f)(1) TWCC-73's submitted do not support the delivery of service for the dates of service listed on the table of disputed services. Reimbursement is not recommended.
- CPT Code 99205-MP for date of service 8/27/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(B)(1)(a) SOAP note does not support a manipulation was performed to the compensable injury area. Reimbursement is not recommended.

- CPT Code 97250 for dates of service 08/28/02 through 09/04/02 and 09/09/02 through 09/30/02 and 10/03/02 through 10/15/02 and 10/22/02 through 10/29/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(C)(3) SOAP notes support the delivery of service. Reimbursement in the amount of \$1,204.00 (\$43.00 x 28 dates of service) is recommended.
- CPT Code 97250 for dates of service 09/05/02 and 10/02/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(C)(3) SOAP notes do not support the delivery of service. Reimbursement is not recommended.
- CPT Code 97265 for dates of service 08/28/02 through 09/04/02 and 09/09/02 through 09/30/02 and 10/03/02 through 10/15/02 and 10/22/02 through 10/29/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(C)(3) SOAP notes support the delivery of service. Reimbursement in the amount of \$1,204.00 (\$43.00 x 28 dates of service) is recommended.
- CPT Code 97265 for dates of service 09/05/02 and 10/02/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(C)(3) SOAP notes do not support the delivery of service. Reimbursement is not recommended.
- CPT Code 97032 for dates of service 09/05/02 through 09/23/02 and 09/27/02 through 10/08/02 and 10/11/02 through 10/22/02 and 10/24/02 through 10/28/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(A)(9)(a)(iii) SOAP notes support delivery of service. Reimbursement in the amount of \$924.00 (21 dates of service x 2 units per day = 42 units; \$22.00 x 42 units) is recommended.
- CPT Code 97032 for dates of service 09/26/02, 10/10/02, and 10/23/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(A)(9)(a)(iii) SOAP notes do not support the delivery of service. Reimbursement is not recommended.
- CPT Code 97110 for dates of service 08/29/02 through 10/29/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(A)(9)(b) recent review of disputes involving CPT Code 97110 by the Medical Dispute Resolution section as well as analysis from recent decisions of the State Office of Administrative Hearings indicate overall deficiencies in the adequacy of the documentation of this Code both with respect to the medical necessity of one-on-one therapy and documentation reflecting that these individual services were provided as billed. Moreover, the disputes indicate confusion regarding what constitutes "one-on-one". Therefore, consistent with the general obligation set forth in Section 413.016 of the Labor Code, the Medical Review Division has reviewed the matters in light all of the Commission requirements for proper documentation. Documentation does not clearly delineate exclusive one-on-one treatment; therefore, MDR declines to issue reimbursement for CPT code 97110.
- CPT Code 95852 for dates of service 08/30/02, 09/19/02, and 10/07/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(E)(4) SOAP notes support delivery of

services. Reimbursement in the amount of \$123.00 (\$41.00 x 3 dates of service) is recommended.

- CPT Code 97750-MT for dates of service 08/30/02 and 10/07/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(E)(3) SOAP notes support delivery of services. Reimbursement in the amount of \$86.00 (\$43.00 x 2 dates of service) is recommended.
- CPT Code 97010 for dates of service 09/03/02 through 09/10/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(A)(9)(a)(ii) SOAP notes support delivery of service. Reimbursement in the amount of \$44.00 (\$11.00 x 4 dates of service) is recommended.
- CPT Code 99213-MP for dates of service 09/13/02, 09/04/02, 09/05/02, 08/09/02, and 09/19/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(B)(1)(b) SOAP notes support delivery of services. Reimbursement in the amount of \$240.00 (\$48.00 x 5 dates of service) is recommended.
- CPT Code 99213-MP for dates of service 09/10/02, 09/17/02, and 10/10/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(B)(1)(b) SOAP notes do not support a manipulation was performed. Reimbursement is not recommended.
- CPT Code 97122 for dates of service 09/09/02 through 10/10/02. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(A)(9)(b) SOAP notes do not support manual traction was administered to the compensable area. Reimbursement is not recommended.
- CPT Code 99213 for dates of service 09/12/02 through 09/30/02 (6 visits), 10/02/02 through 10/31/02 (13 visits), 11/8/02 and 11/12/02 (2 visits), 12/30/02 (1 visit), 01/06/03 and 01/15/03 (2 visits), and 2/11/03 through 2/27/03 (3 visits). Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(A)(4) if treatment by the HCP is to be continued, re-examination by the treating doctor shall occur at least monthly. Per the rule referenced SOAP notes support reimbursement of 5 office visits in the amount of \$240.00 (\$48.00 x 5 dates of service) is recommended.
- CPT Code 97750-FC for dates of service 10/21/02 (4 hrs.), 12/18/02 (2 hrs.), and 2/12/03 (3 hrs.). Per the 1996 Medical Fee Guideline, Medicine Ground Rule (I)(E)(2) FCE reports support delivery of service. The requestor billed \$400.00 for the first functional capacity evaluation, \$300.00 for the second and \$200.00, and \$300.00 for the third. Per the fee guideline ground rule referenced a health care provider shall be reimbursed at \$100 per hour for a maximum of five hours for the initial and two hours (\$200) for an interim and/or discharge FCE. Reimbursement in the amount of \$700.00 is recommended.
- CPT Code 99071 for date of service 10/10/02. The 1996 Medical Fee Guideline, Medicine Ground Rule, CPT Descriptor defines this CPT code as Educational supplies, such as books, tapes, and pamphlets, provided by the physician for the patient's

education at cost to the physician. SOAP notes do not support delivery of service. Reimbursement is not recommended.

- CPT Code 97545-WH for dates of service 11/19/02 through 12/23/02. The requestor submitted EOBs denying dates of service 11/21/02, 11/25/02 and 12/4/02 for “U” and “V”. The requestor submitted two preauthorization approvals from the utilization review agent for the insurance carrier. Authorization numbers are: 450405-1641387 and 450405-643869. Per §133.301(a) services that have been preauthorized shall not be retrospectively reviewed for medical necessity for which preauthorization has been obtained. EOBs were submitted showing payment for dates of service 11/20/02 and 11/22/02) and will not be reviewed. Per the 1996 Medical Fee Guideline, Ground Rule (II)(E) Work Hardening notes support delivery of service. Reimbursement in the amount of \$2,764.80 (\$51.20 x 54 hours (\$51.20 reflects non-CARF discount of 20% of \$64.00)) is recommended.
- CPT Code 97546-WH for dates of service 11/19/02 through 12/23/02. The requestor submitted EOBs denying dates of service 11/21/02, 11/25/02 and 12/4/02 for “U” and “V”. The requestor submitted two preauthorization approvals from the utilization review agent for the insurance carrier. Authorization numbers are: 450405-1641387 and 450405-643869. Per §133.301(a) services that have been preauthorized shall not be retrospectively reviewed for medical necessity for which preauthorization has been obtained. EOBs were submitted showing payment for dates of service 11/20/02 and 11/22/02) and will not be reviewed. Per the 1996 Medical Fee Guideline, Ground Rule (II)(E) Work Hardening notes support delivery of service. Reimbursement in the amount of \$7,577.60 (\$51.20 x 148 hours (\$51.20 reflects non-CARF discount of 20% of \$64.00)) is recommended.

IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor is entitled to reimbursement for CPT codes 73100-WP, 99080-73, 97250, 97265, 97032, 95852, 97750-MT, 97010, 99213-MP, 99213, 97750-FC, 97545-WH, and 97546-WH in the amount of \$15,179.40. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$15,179.40** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 12th day of February 2004.

Marguerite Foster
Medical Dispute Resolution Officer
Medical Review Division

David R. Martinez, Manager
Medical Dispute Resolution
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DRM/mf