



## Medical Fee Dispute Resolution Findings and Decision

### General Information

**Requestor Name**

Shaun James Marek, D.C.

**Respondent Name**

National Union Fire Insurance Co.

**MFDR Tracking Number**

M4-25-2515-01

**Carrier's Austin Representative**

Box Number 19

**DWC Date Received**

June 10, 2025

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
October 21, 2024	97110-GP	\$360.66	\$270.24
October 21, 2024	97112-GP	\$138.04	\$118.99
October 21, 2024	99080-73	\$0.00	\$0.00
October 21, 2024	99213	\$0.00	\$0.00
<b>Total</b>		<b>\$498.70</b>	<b>\$389.23</b>

### Requestor's Position

Excerpt from Request for Reconsideration: "These bills were denied payment due to 'workers compensation jurisdictional fee adjustment'. This is INCORRECT. Therapy was authorized."

**Amount in Dispute:** \$498.70

## Respondent's Position

"No amount was allocated for the remaining services based, in part, on the determination that physical medicine and rehabilitation services may not be reported in conjunction with an evaluation and management code performed on the same day... Respondent maintains that its determination that the additional services of neuromuscular re-education (Code 97112) and exercises (Code 97110) were not billed appropriately; however, to the extent that the Division deems additional reimbursement is owed, Respondent asserts that the total requested amount of \$498.70 would not be owed as such amount would be discounted based on application of the multiple procedure payment reduction. Respondent contends that no further amount is owed to the Requestor."

**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 Texas Administrative Code §133.307](#) sets out the procedures for Medical Fee Dispute Resolution requests.
2. [28 TAC §134.203](#) set out the fee guidelines for professional medical services.

### Denial Reasons

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

- MU – Physical medicine and rehabilitation services may not be reported in conjunction with an evaluation and management code performed on the same day.
- APRV - The Provider's charges were reviewed with consideration of the Payers UR/Preauthorization Decision(s) governing this Claimant. The listed Allowance reflects the result(s) of their Decision(s) and all applicable Bill Review Decision(s).
- P12 - Workers' compensation jurisdictional fee schedule adjustment.

### Issues

1. Is the insurance carrier's reason for denial of CPT code 97112-GP and CPT code 97110-GP supported?
2. Is the requestor entitled to reimbursement for the services in dispute?

## Findings

1. A review of the explanation of benefits (EOB) finds that the insurance carrier denied reimbursement for CPT codes 97112-GP x 2 units and CPT code 97110 x 6 units because these services were reported in conjunction with an evaluation and management CPT code, 99213, on the same day.

28 TAC §134.203(b)(1) which applies to the services in dispute, 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."

A review of the submitted documents finds that on the disputed date of service, the requester billed the following CPT codes together: 97110-GP x 6 units, 97112-GP x 2 units, 99213 and 99080-73. The insurance carrier allowed payment for CPT code 99213 and 99080-73 but allowed reimbursement in the amount of \$0.00 for CPT codes 97112-GP x 2 units and CPT code 97110 x 6 units.

DWC completed National Correct Coding Initiative (NCCI) edits and found that per Medicare NCCI Guidelines, no conflicts exist when billing the afore mentioned codes on the same date of service.

DWC finds that the insurance carrier's reason for reimbursement denial of CPT codes 97112-GP and 97110-GP, is not supported. Therefore, DWC will review the disputed CPT codes for reimbursement in accordance with applicable DWC Rules.

2. The requester is seeking reimbursement in the amount of \$360.66 for 6 units of CPT code 97110-GP and in the amount of \$138.04 for 2 units of CPT code 97112-GP rendered on October 21, 2024.

The disputed CPT code 97110 is described as "Therapeutic procedure, 1 or more areas, each 15 minutes; therapeutic exercises to develop strength and endurance, range of motion and flexibility." The requestor appended CPT code 97110 with modifier "GP" which indicates the service was delivered by a physical therapist or under an outpatient physical therapy plan of care.

The disputed CPT code 97112-GP is described as "Therapeutic procedure, 1 or more areas, each 15 minutes; neuromuscular reeducation of movement, balance, coordination, kinesthetic sense, posture, and/or proprioception for sitting and/or standing activities." The requestor appended CPT code 97112 with modifier "GP" which indicates the service was delivered by a physical therapist or under an outpatient physical therapy plan of care.

The fee guidelines applicable to the services in dispute are found at 28 TAC §134.203, which states in pertinent part, "(a)(5) 'Medicare payment policies' when used in this section, shall mean reimbursement methodologies, models, and values or weights including its coding, billing, and reporting payment policies as set forth in the Centers for Medicare and Medicaid Services (CMS) payment policies specific to Medicare."

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 the highest total schedule fee amount, and price the service with the highest total fee schedule amount at 100% and apply the appropriate MPPR to the remaining services.

Review of the Medicare policies finds that the multiple procedure payment reduction (MPPR) applies to the Practice Expense (PE) of certain time-based physical therapy codes when more than one unit or procedure is provided to the same patient on the same day. Medicare publishes a list of the codes subject to MPPR annually.

DWC finds that the MPPR discounting rule applies to the reimbursement of the disputed services billed under CPT codes 97110 and 97112. The CPT code 97112 is found to have the highest PE/RVU of the therapeutic services billed on the disputed date of service. Therefore, the first unit of CPT code 97112 will receive full payment, and the reduced PE payment will apply to all subsequent units of timed therapy codes performed on the same date of service.

The MPPR Rate File that contains the payments for 2024 services is found at: [www.cms.gov/Medicare/Billing/TherapyServices/index.html](http://www.cms.gov/Medicare/Billing/TherapyServices/index.html).

28 TAC §134.203, which applies to the reimbursement of the disputed services, states in pertinent part, "(c) 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. 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..."

- MPPR rates are published by carrier and locality.
- Per the medical bills, the services were rendered in zip code 75211; Medicare locality is 11, Dallas, TX.
- To determine the MAR the following formula is used:  
(DWC Conversion Factor/Medicare Conversion Factor) X Medicare Payment = MAR
- The 2024 DWC Conversion Factor is 67.81
- The Medicare Conversion Factor for October of 2024B is 33.2875

MAR calculation for CPT code 97112 x 2 units:

- The Medicare Participating amount for CPT code 97112 at locality 11 in 2024, is \$33.33 for the first unit and \$25.08 for each subsequent unit.
- Using the above formula, DWC finds the MAR is \$67.90 for the first unit and \$51.09 for the second unit of CPT code 97112.
- Therefore, the MAR for CPT code 97112 x 2 units rendered on the disputed date of service in locality 11 = \$118.99
- The insurance carrier paid \$0.00 for 2 units of CPT code 97112 rendered on the disputed date of service.
- Reimbursement in the amount of \$118.99 is recommended for CPT code 97112 x 2 units rendered on October 21, 2024.

MAR calculation for CPT code 97110 x 6 units:

- The Medicare MPPR amount for CPT code 97110 at locality 11 in 2024, is \$22.11.
- Using the above formula, DWC finds the MAR is \$45.04 per unit.
- Therefore, the MAR for CPT code 97110 x 6 units rendered on the disputed date of service in locality 11 = \$270.24.
- The insurance carrier paid \$0.00 for CPT code 97110-GP x 6 units.
- Reimbursement in the amount of \$270.24 is recommended for CPT code 97110 x 6

units rendered on October 21, 2024.

DWC finds that reimbursement in the total amount of \$389.23 is due for CPT codes 97112 x 2 units and 97110 x 6 units, rendered on October 21, 2024.

### 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.

DWC finds the requestor has established that reimbursement is due in the amount of \$389.23.

### **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, National Union Fire Insurance Co., must remit to the Requestor, Shaun James Marek, D.C., \$389.23 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC §134.130.

### **Authorized Signature:**

July 9, 2025

\_\_\_\_\_  
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, 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 prefiera 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.tas.gov](mailto:CompConnection@tdi.tas.gov).