

## Medical Fee Dispute Resolution Findings and Decision

### General Information

**Requestor Name**

Gabriel Jasso PSYD

**Respondent Name**

AIU Insurance Co

**Carrier's Austin Representative**

**MFDR Tracking Number**

M4-26-0440-01

Box Number 19

**DWC Date Received**

October 15, 2025

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
June 25, 2025	96116	\$7.50	\$0.00
June 25, 2025	96121-59	\$15.24	\$0.00
June 25, 2025	96132-59	\$10.83	\$0.00
June 25, 2025	96133-59	\$1078.99	\$0.00
June 25, 2025	96136-59	\$4.33	\$0.00
June 25, 2025	96137-59	\$10.26	\$0.00
June 25, 2025	96138-59	\$4.53	\$0.00
June 25, 2025	96139-59	\$40.77	\$0.00
	Total	\$1,172.45	\$0.00

### **Requestor's Position**

"The insurance carrier has not properly paid this claim in accordance with DWC Rules governing the specific services billed."

**Amount in Dispute:** \$1,172.45

### **Respondent's Position**

"The Carrier contends the Provider is not entitled to additional reimbursement."

**Response submitted by:** Constitution State Services

### **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 guidelines for outpatient hospital services.

#### Denial Reasons

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

- W3 – Bill is a reconsideration or appeal.
- 2005 – No additional reimbursement allowed after review of appeal/reconsideration.
- P12 – Workers' Compensation State Fee Schedule Adj
- 97 – Payment adjusted because the benefit for this service is included in the payment/allowance for another service/procedure that has already been adjudicated.
- 309 – The charge for this procedure exceeds the fee schedule allowance.
- 3244 – The billing of the procedure code has exceeded the National Correct Coding Initiative Medically Unlikely edits amount for the number of times this procedure can be billed on a date of service. An allowance has not been paid.

## Issues

1. Is the insurance carrier's reduction of disputed service supported?
2. Is additional reimbursement due after 2025 fee calculation per fee guideline?
3. Does the submitted documentation support the number of units submitted on the medical bill?
4. Is the requester entitled to additional reimbursement?

## Findings

1. The requestor is seeking medical fee dispute resolution in the amount of \$1,172.45 for professional medical services rendered on June 25, 2025. The respondent reduced the amount billed based on Medicare's MUE values and workers' compensation fee guidelines..

To determine if the respondent's reduction is supported, the DWC refers to the fee guideline for disputed services found at 28 TAC §134.203.

DWC Rule 28 TAC §134.203(a)(5) states, "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."

The respondent's position statement refers to a Medicare payment policy regarding Medically Unlikely Edit (MUE). MUE's were implemented by Medicare in 2007. MUE's set a maximum number of units for a specific service that a provider would report under most circumstances for a single patient on a single date of service. Medicare developed MUE edits to detect potentially medically unnecessary services.

Although the DWC adopts Medicare payment policies by reference in applicable Rule §134.203, paragraph (a)(7) of that rule states that specific provisions contained in the Division of Workers' Compensation rules shall take precedence over any conflicting provision adopted the Medicare program.

The Medicare MUE payment policy is in direct conflict with Texas Labor Code §413.014 which requires that all determinations of medical necessity shall be made prospectively or retrospective through utilization review; and with Rule §134.600 which sets out the procedures for preauthorization and retrospective review of professional services such as those in dispute here.

The DWC concludes that Labor Code §413.014 and 28 TAC §134.600 take precedence over Medicare MUE's; therefore, the respondent's position statement based on MUE is not supported. The calculation of the Maximum Allowable Reimbursement (MAR) is shown below.

2. The requester indicates additional reimbursement is requested for the following codes.
  - 96116 - Neurobehavioral status exam (clinical assessment of thinking, reasoning and judgment, [eg, acquired knowledge, attention, language, memory, planning and

problem solving, and visual spatial abilities]), by physician or other qualified health care professional, both face-to-face time with the patient and time interpreting test results and preparing the report; first hour

- 96121-59 - Neurobehavioral status exam (clinical assessment of thinking, reasoning and judgment, [eg, acquired knowledge, attention, language, memory, planning and problem solving, and visual spatial abilities]), by physician or other qualified health care professional, both face-to-face time with the patient and time interpreting test results and preparing the report; each additional hour (List separately in addition to code for primary procedure)
- 96132-59 - Neuropsychological testing evaluation services by physician or other qualified health care professional, including integration of patient data, interpretation of standardized test results and clinical data, clinical decision making, treatment planning and report, and interactive feedback to the patient, family member(s) or caregiver(s), when performed; first hour
- 96136-59 - Psychological or neuropsychological test administration and scoring by physician or other qualified health care professional, two or more tests, any method; first **30** minutes
- 96137-59 - Psychological or neuropsychological test administration and scoring by physician or other qualified health care professional, two or more tests, any method; each additional **30** minutes (List separately in addition to code for primary procedure)
- 96138-59 - Psychological or neuropsychological test administration and scoring by technician, two or more tests, any method; first **30** minutes
- 96139-59 - Psychological or neuropsychological test administration and scoring by technician, two or more tests, any method; each additional **30** minutes (List separately in addition to code for primary procedure)

DWC Rule 28 TAC §134.203 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...

(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..."

The following formula represents the calculation of the DWC MAR at §134.203 (c)(1) & (2).

$(\text{DWC Conversion Factor} / \text{Medicare Conversion Factor}) \times \text{Medicare Payment by carrier and location} = \text{MAR}$ . In this instance.

- DWC 2025 Conversion Factor 70.18
- MC 2025 Conversion Factor 32.3465
- Location, El Paso, Texas – Carrier/location – 04412-99
- 96116. Carrier paid \$188.84.  $70.18/32.3465 \times \$87.04 = \$188.84$ . No additional payment due.
- 96121-59. Carrier paid \$467.34.  $70.18/32.3465 \times \$71.80 \times 3 = \$467.34$ . No additional payment due.
- 96132-59. Carrier paid \$266.45.  $70.18/32.3465 \times \$122.81 = \$266.45$ . No additional payment due.
- 96136-59. Carrier paid \$85.66.  $70.18/32.3465 \times \$39.48 = \$85.66$ . No additional payment due.
- 96137-59. Carrier paid \$226.11.  $70.18/32.3465 \times \$34.74 \times 3 = \$226.12$ . MAR exceeds requested amount. No additional payment due.
- 96138-59. Carrier paid \$68.97.  $70.18/32.3465 \times 31.79 = \$68.97$
- 96139. Carrier paid \$620.73.  $70.18/32.3465 \times 31.79 \times 9 = \$620.75$ . MAR exceeds requested amount. No additional payment due.

Based on the applicable DWC Fee guidelines for 2025 dates of service no additional payment is due for the codes shown above.

3. The following code was reduced per Medicare Unlikely Edits (MUEs) as seen above, this reduction is in conflict with DWC Rules and will not be considered in this review.
  - 96133-59- Neuropsychological testing evaluation services by physician or other qualified health care professional, including integration of patient data, interpretation of standardized test results and clinical data, clinical decision making, treatment planning and report, and interactive feedback to the patient, family member(s) or caregiver(s), when performed; each additional hour (List separately in addition to code for primary procedure)

The submitted medical bill indicates code 96133, the number of units as twelve. DWC Rule 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 Medicare National Correct Coding Initiative Policy Manual Chapter XI , Section M at <https://www.cms.gov/files/document/11-chapter11-ncci-medicare-policy-manual-2025finalcleanpdf.pdf> states, *psychological/neuropsychological testing (CPT codes 96136-96146), and psychological/ neuropsychological evaluation services (CPT codes 96130-96133) must be distinct services if reported on the same date of service. CPT Professional codebook instructions permit physicians to integrate other sources of clinical data into the report that is generated for CPT codes 96130-96133. Since the procedures described by CPT codes 96130-96139 are timed procedures, providers/suppliers shall not report time for duplicating information (collection or interpretation) included in the psychiatric diagnostic*

*interview examination and/or psychological/neuropsychological evaluation services or test administration and scoring.*

Because these are time-based codes, the medical record documentation should contain the total time spent rendering and interpreting the service, including the stop and start time of test.

The report does not list the start and end time to support the number of hours billed or that the services were distinct of the other services rendered.

The requestor has not supported their request for additional reimbursement of code 96133.

4. The payment made by the insurance carrier for codes 96116, 96121, 96132, 96136, 96137, 96138, and 96139 were per fee guidelines of 2025. The number of units submitted on the medical bill was not supported by the documentation for code 96133 included in this review. No additional reimbursement is due.

### 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 Gabriel Jasso PSYD has not established that additional reimbursement is due.

### **Order**

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to \$0.00 additional reimbursement for the disputed services.

### **Authorized Signature**

_____		<u>November 6, 2025</u>
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 electrónico [CompConnection@tdi.texas.gov](mailto:CompConnection@tdi.texas.gov).