

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June, 2001 and Commission Rule 133.305 titled Medical Dispute Resolution- General, 133.307 titled Medical Dispute Resolution of a Medical Fee Dispute, and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. This dispute was received on 6-25-03.

I. DISPUTE

Whether there should be reimbursement for 22505, 22505-80, 25660 LT, 25660-80, 24999, 24999 LT, 23700 LT, 23700-80 LT, 99499-RR, 99070-AS, and 99070-ST on 1-14-03.

II. FINDINGS

On 1-12-04, the Medical Review Division submitted a Notice to the requestor to notify the requestor that they failed to make payment of the IRO fee as required by Commission Rule 133.308(r)(1)(B) and subsequently, the medical necessity issues were dismissed. Per Rule 133.308 (g)(3), the Notice also requested the requestor to submit additional documentation necessary to support the fee charges and to challenge the reasons the respondent had denied reimbursement within 14 days of the requestor's receipt of the Notice.

III. RATIONALE

Requestor billed CPT codes 22505, 25660 LT, 24999, 23700 LT, 22505-80, 25660-80, 24999 LT, 23700-80 LT, 99499-RR, 99070-AS, and 99070-ST on 1-14-03. Carrier denied as "F, YF – Reduced or denied in accordance with the appropriate fee guideline ground rule and/or maximum allowable reimbursement (MAR). *Medical Fee Guideline Surgery GR V B 2* states, "...If the services require the use of complex or prolonged anesthesia **or** the need for an anesthesiologist or CRNA, the service shall be performed in a hospital or ambulatory surgical center. Requestor billed services on HCFA-1500. Operative Report states ___ is the anesthesiologist and the attending physician. Operative Report does not support utilization of Modifier –80 (assistant surgeon) in that an assistant surgeon is not on the report and the report does not document the amount of time spent by an assistant surgeon and the need for an assistant surgeon. No reimbursement recommended.

The above Findings and Decision are hereby issued this 18th day of March 2004.

Dee Z. Torres
Medical Dispute Resolution Officer
Medical Dispute Resolution

Enclosure: IRO Decision