

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 6-27-03.

### **I. DISPUTE**

Whether there should be reimbursement for range of motion, therapeutic exercises, joint mobilization, myofascial release, office visits w/manipulations, and manual traction.

### **II. FINDINGS**

On August 8, 2003, the requestor submitted a withdrawal letter for the services denied as unnecessary medical. On 8-21-03, a Notice was faxed to 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 this Notice.

### **III. RATIONALE**

1. CPT code 95851, billed on dates of service 10-23-02, 11-19-02, and 11-26-02 was denied as "F – the services listed under this procedure code are included in a more comprehensive code which accurately describes the entire procedure(s) performed". Range of motion testing is not a global charge per the 1996 *Medical Fee Guideline*. Relevant information supports delivery of service for 10-23-02 only. Recommend reimbursement of \$72.00.

2. CPT code 97110, billed on dates of service 11-19-02, 12-4-02, 12-9-02 was denied as "F – submitted documentation does not support or meet the criteria for one-on-one therapy that is identified in the fee guidelines found rules and/or CPT code descriptor for reimbursement." CPT code 97110 billed on 12-11-02 and 12-17-02 was denied as "H – reimbursement is based upon half of the fee amount pending decision of audit or review."

3. RATIONALE: 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 (MRD) has reviewed the matters in light of the Commission requirements for proper documentation.

4. The MRD declines to order payment for code 97110 because the daily notes did not clearly delineate the severity of the injury that would warrant exclusive one-to-one treatment.

5. CPT codes 99213-MP, 97265, 97250, and 97122 billed on 12-11-02 and 12-17-02 were denied as “H – reimbursement is based upon half of the fee amount pending decision of audit or review.” Although the respondent replied that the peer review indicated that chiropractic treatment was found not be reasonable and necessary after 10-15-02; neither party submitted a follow-up EOB. Therefore, this review will be per the 1996 *Medical Fee Guideline*. Relevant information supports delivery of service. Recommend additional reimbursement of \$24.00, \$21.50, \$21.50, \$17.50 = \$84.50 x 2 dates of service = \$169.00.

#### **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 95851, 99213-MP, 97265, 27250, and 97122 in the amount of **\$241.00**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby **ORDERS** the Respondent to remit **\$241.00** 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 16th day of April 2004.

Dee Z. Torres  
Medical Dispute Resolution Officer  
Medical Review Division