



MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

PART I: GENERAL INFORMATION

Type of Requestor: (x) Health Care Provider () Injured Employee () Insurance Carrier	
Requestor's Name and Address: RS Medical P.O. Box 872650 Vancouver, WA 98687-2650	MDR Tracking No.: M4-05-A524-01
	Claim No.:
	Injured Employee's Name:
Respondent's Name and Address: Target Corp. C/o Flahive, Ogden & Latson Rep Box: 39	Date of Injury:
	Employer's Name: Target Corp.
	Insurance Carrier's No.: 322130974700010121

PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Requestor's Position Summary: "Payment has been made based on old fee guidelines for E0745; which had a D code in the pre 1996 fee schedule, which is not a comparable device as it provides only muscle stimulation. The Commission has not established a maximum allowable for the RS4I Sequential Stimulator. The RS4I provides 2 modalities...4 channel muscle stimulation plus interferential electrotherapy, providing equivalent therapy of 2 devices, therefore a higher fee allowance is reasonable and warranted."

Principle Documentation:

1. DWC-60/Table of Disputed Service
2. CMS-1500's
3. EOBs

PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Respondent's Position Summary: "This device is classified as a muscle stimulator as determined by SOAH Decision No. 453-02-3802.M4. Simply coding this as E1399 does not turn it into something else. Claiming it is 4 channel is meaningless. Requestor tried to convince SOAH of the "uniqueness" of its device and failed. Therefore, the device was improperly coded as E1399..."

Principle Documentation: 1. Position Summary

PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date(s) of Service	Denial Code	CPT Code(s) or Description	Part V Reference	Additional Amount Due (if any)
08/31/04 – 09/29/04	TR21/D	E-1399-RR	1	\$141.76
09/30/04 – 10/30/04	TR21	E-1399-RR	1	\$141.76
TOTAL DUE				\$283.52

PART V: MEDICAL DISPUTE RESOLUTION REVIEW SUMMARY, METHODOLOGY, AND/OR EXPLANATION

Section 413.011(a-d) titled (Guidelines and Medical Policies), and Commission Rule 134.202 titled (Medical Fee Guideline) effective August 1, 2003, set out reimbursement guidelines.

The Respondent denied the disputed services as, "TR21 – N – The fee schedule does not allow reimbursement for non valid codes. Please resubmit using the correct CPT Code" and "D – These services have already been reconsidered for reimbursement."

1. For date of service on or after August 1, 2003, Division Rule 134.202(b), 2002 Medical Fee Guideline, requires health care providers to apply the Medicare program coding, billing and reporting payment policies. The Centers for Medicare and Medicaid Services, partners with the Statistical Analysis Durable Medical Equipment Regional Carrier (SADMERC) to

provide guidance to manufacturers and suppliers on the proper use of the Healthcare Common Procedure Coding System (HCPCS), the means by which durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) services are identified for Medicare billing. Manufacturers and suppliers are instructed by CMS and through the DMERC supplier manual and advisories to contact the SADMERC HCPCS Unit to obtain proper billing codes for DMEPOS items.

SADMERC representatives have determined that the RS4i is properly coded to E1399. According to SADMERC, none of the other more specific HCPCS billing codes accurately describe this piece of equipment. With this decision, SADMERC has established that the RS4i is not the same as a TENS unit. While the RS4i is not exactly the same as a TENS unit, the RS4i is similar to a TENS unit. The manufacturer of the RS4i has not resubmitted further reconsideration and analysis on their product since the initial SADMERC decision to place in a miscellaneous HCPCS billing code.

The coding by the provider of the RS4i was correct.

Division Rule 134.202 (c)(6), states that for products for which CMS or the Division does not set an amount, the carrier shall assign a relative value, which may be based on nationally recognized published relative value studies, published commission medical dispute decisions, and values assigned for services involving similar work or resource commitment. By not paying any amount, the carrier failed to comply with this rule. For date of service in calendar year 2004 the Division reimbursement for the RS4i is calculated as follows $\$82.80 \times 125\% = \$103.50 + \$180.01 \div 2 = \141.76 . The Respondent made no reimbursement for either date of service. Therefore, reimbursement in the amount of \$283.52 ($\141.76×2) is recommended.

PART VI: GENERAL PAYMENT POLICIES/REFERENCES IMPACTING DECISION

28 Texas Administrative Code Sec. §413.011(a-d)
28 Texas Administrative Code Sec. §134.202

PART VII: DIVISION DECISION AND ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code, Sec. 413.031, the Division has determined that the requestor **is** entitled to reimbursement in the amount of \$283.52 plus all accrued interest due at the time of payment to the Requestor within 30 days receipt of this Order.

Ordered by:

Marguerite Foster

June 9, 2006

Authorized Signature

Typed Name

Date of Order

PART VIII: YOUR RIGHT TO REQUEST JUDICIAL REVIEW

Appeals of medical dispute resolution decisions and orders are procedurally made directly to a district court in Travis County [see Texas Labor Code, Sec. 413.031(k), as amended and effective Sept. 1, 2005]. An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. The Division is not considered a party to the appeal.

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.