



## MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

### PART I: GENERAL INFORMATION

Requestor's Name and Address: Western Medical Evaluators 1302 Teasley Lane Denton, TX 76205	MFDR Tracking #: M4-07-3759-01
	DWC Claim #:
	Injured Employee:
Respondent Name and Box #: TASB Risk Management Fund Box #47	Date of Injury:
	Employer Name: Grand Prairie ISD
	Insurance Carrier #: 0252831042952859

### PART II: REQUESTOR'S POSITION SUMMARY AND PRINCIPLE DOCUMENTATION

**Requestor's Position Summary:**

Per insurance carrier doctor cannot perform ROM & DRE unless doctor explains why ROM was needed to determine DRE."

**Principle Documentation:**

1. DWC 60 package
2. CMS 1500(s)
3. EOB(s)

### PART III: RESPONDENT'S POSITION SUMMARY AND PRINCIPLE DOCUMENTATION

**Respondent's Position Summary:**

"The mechanism of injury has been shown my medical reviews to have produced only soft tissue injury and contusions. These was no report of damage to they physical support structure of the spine. Range of motion was not medically necessary to determine Maximum Medical Improvement or Impairment Rating."

**Principle Documentation:**

1. Response to DWC 60

### PART IV: SUMMARY OF FINDINGS

Review of the box 32 on CMS-1500, revealed that a zip code was not listed.

Date(s) of Service	Denial Code(s)	CPT Code(s) and Calculations	Part V Reference	Amount Due
5-10-06	B13, W1	99456-WP Evaluation for MMI/IR	1-7	\$0.00
<b>Total Due:</b>				

### PART V: REVIEW OF SUMMARY, METHODOLOGY AND EXPLANATION

Section §413.011(a-d) titled, *Reimbursement Policies and Guidelines*, and Division Rule 134.202 titled, *Medical Fee Guideline* effective August 1, 2003, sets out the reimbursement guidelines.

1. These services were denied by the Respondent with reason code "B13 – Previously paid. Payment for this claim/service may have been provided in a previous payment. Prev audited 6/12/06. check date 6/25/06. check# 1620064; W1 – Note: DWC-69: Clinical MMI reached 05/10/06, Part IV: D-0% impairment. Per Designated Doctor selected by the Commission. Workers Compensation State Fee Schedule Adjustment; Reimbursement is for exam + DRE. Documentation does not support necessity of the range of motion of the spine to determine MMI/IR."
2. The insurance carrier is disputing the medical necessity of the ROM method evaluation. The March 2005 Medical Dispute Newsletter clarified that if ROM method is used instead of the DRE method, "...the narrative report should contain an explanation stating why the ROM method was necessary and how the ROM methodology assisted in

calculating the IR.” The Requestor did not explain why the ROM was necessary instead of DRE method; therefore, the appropriate reimbursement was for DRE evaluation.

3. According to Rule 134.202(e)(6)(C)(iii), “An examining doctor, other than the treating doctor, shall bill using the ‘Work related or medical disability examination by other than the treating physician....’ CPT code. Reimbursement shall be \$350.”
4. According to Rule 134.202(e)(6)(D)(II), “The MAR for musculoskeletal body areas shall be as follows.
  - a) \$150 for each body area if the Diagnosis Related Estimates (DRE) method found in the AMA Guides 4<sup>th</sup> Edition is used.
  - b) If full physical evaluation, with range of motion is performed:
    - 1) \$300 for the first musculoskeletal body area; and
    - 2) \$150 for each additional musculoskeletal body area.
5. According to Rule 134.202(e)(6)(D)(III), “If the examining doctor performs the MMI examination and the IR testing of the musculoskeletal body area(s), the examining doctor shall bill using the appropriate MMI CPT code with the modifier “WP.” Reimbursement shall be 100% of the total MAR.”
6. Advisory 2004-01, issued on March 25, 2004, stated in part that, “an IR by the DRE method or injury model, this type of IR is reimbursed at \$150 per DRE area. Both of the above fees are reimbursed in addition to the \$350 paid for the MMI evaluation.”
7. On this date, the Requestor billed \$800.00 for CPT code 99456-WP. Per Advisory 2004-01, The Requestor correctly coded the MMI and IR evaluation using CPT code 99456-WP. Per Rule 134.202(e)(6)(C)(iii), the Requestor is entitled to reimbursement of \$350.00 for MMI evaluation. In addition, Rule 134.202(e)(6)(D)(II)(b) allows reimbursement of \$150.00 for IR for the first musculoskeletal body area DRE method. Therefore, the Requestor is entitled to reimbursement of \$500.00. The insurance carrier paid \$500.00. The Requestor is not entitled to additional reimbursement.

#### **PART VI: GENERAL PAYMENT POLICIES/REFERENCES**

Texas Labor Code Sec. §413.011(a-d)  
28 Texas Administrative Code Sec. §134.1, §134.202  
Advisory 2004-01

#### **PART VII: DIVISION DECISION AND/OR 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 not entitled to reimbursement for the services involved in this dispute.

**DECISION:**

Elizabeth Pickle, RHIA

May 31, 2007

Authorized Signature

Medical Fee Dispute Resolution Officer

Date

#### **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.**