**MAXIMUS FEDERAL SERVICES, INC.**
Independent Bill Review
P.O. Box 138006
Sacramento, CA 95813-8006
Fax: (916) 605-4280

# INDEPENDENT BILLING REVIEW FINAL DETERMINATION

December 12, 2014

[redacted]

| | | | |
|---|---|---|---|
| **IBR Case Number:** | CB13-0000457 | **Date of Injury:** | 12/1/2008 |
| **Claim Number:** | [redacted] | **Application Received:** | 9/9/2013 |
| **Claims Administrator:** | [redacted] | **Assignment Date:** | 7/24/2014 |
| **Provider Name:** | [redacted] | | |
| **Employee Name:** | [redacted] | | |
| **Disputed Codes:** | ML106-94-95 | | |

Dear [redacted]

MAXIMUS Federal Services has completed the Independent Bill Review ("IBR") of the above workers' compensation case. This letter provides you with the IBR Final Determination and explains how the determination was made.

**Final Determination: OVERTURN. MAXIMUS Federal Services has determined that additional reimbursement is warranted. The Claims Administrator's determination is reversed and the Claim Administrator owes the Provider additional reimbursement of $335.00 for the review cost and $1281.25 in additional reimbursement for a total of $1616.25. A detailed explanation of the decision is provided later in this letter.**

The Claim Administrator is required to reimburse the Provider a total of $1616.25 within 45 days of the date on this letter per section 4603.2 (2a) of the California Labor Code. The determination of MAXIMUS Federal Services and its expert reviewer is deemed to be the Final Determination of the Administrative Director of the Division of Workers' Compensation. This determination is binding on all parties. In certain limited circumstances, you can appeal the Final Determination. Appeals must be filed with the Workers' Compensation Appeals Board within 20 days from the date of this letter. For more information on appealing the final determination, please see California Labor Code Section 4603.6(f).

Sincerely,

[redacted]
Medical Director

cc: [redacted]

## DOCUMENTS REVIEWED

Pertinent documents reviewed to reach the determination:

- The Independent Bill Review Application
- The original billing itemization
- Supporting documents submitted with the original billing
- Explanation of Review in response to the original bill
- Request for Second Bill Review and documentation
- Supporting documents submitted with the request for second review
- The final explanation of the second review
- Official Medical Fee Schedule
- Negotiated contracted rates:
- National Correct Coding Initiatives
- Other: Medical-Legal Fee Schedule

## HOW THE IBR FINAL DETERMINATION WAS MADE

MAXIMUS Federal Services Chief Coding Specialist reviewed the case file and researched pertinent coding and billing standards to reach a determination. In some cases a physician reviewer was employed to review the clinical aspects of the care to help make a determination. He/she has no affiliation with the employer, employee, providers or the claims administrator. The expert reviewer was selected based on his/her clinical experience, education, background, and expertise in the same or similar specialties that evaluate and/or treat the medical condition and disputed items/services.

## ANALYSIS AND FINDING

Based on review of the case file the following is noted:

- **ISSUE IN DISPUTE**: Provider is dissatisfied with reimbursement of ML 106-94-95
- Claims Administrator reimbursed $5125.00 for the ML 104 but denied modifier -94 additional payment of $1281.25 indicating on the Explanation of Review "Modifier billed not warranted and or documented."
- Modifier -94 states: Evaluation and medical-legal testimony performed by an Agreed Medical Evaluator. Where this modifier is applicable, the value of the procedure is modified by multiplying the normal value by 1.25.
- Documentation reviewed includes a letter dated November 29, 2013 from attorney requesting for an Agreed Medical Evaluator in the field of psychiatric medicine. Nothing reviewed before patient exam showed that Agreed Medical Evaluator had changed to Qualified Medical Evaluator. The request was for Provider to act as Agreed Medical Evaluator and should be reimbursed according to the Medical-Legal Fee Schedule. Therefore, additional reimbursement is warranted for modifier -94.

The table below describes the pertinent claim line information.

**DETERMINATION OF ISSUE IN DISPUTE: Based on information reviewed, additional reimbursement of code ML 106-94-95 is warranted.**

| **Date of Service**: 1/18/2013 | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Medical-Legal Services** | | | | | | | |
| **Service Code** | **Provider Billed** | **Plan Allowed** | **Dispute Amount** | **Assist Surgeon** | **Multiple Surgery** | **Workers' Comp Allowed Amt.** | **Notes** |
| ML 106-94-95 | $6406.25 | $5125.00 | $1281.25 | N/A | N/A | $6406.25 | **DISPUTED SERVICE**: Allow reimbursement $1281.25 |

Copy to:

[redacted]

Copy to:

[redacted]