

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
- Partial (1 page) Contractual Agreement

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 seeking full remuneration for Functional Restoration Program services, billed as Unlisted Procedure Code 97799 -86, for date of service 07/23/2015.**
- IBR Application Indicates the Claims Administrator reimbursed the Provider \$2,125.00 of \$2,500.00.
- Claims Administrator reimbursement rational - as reflected on EOR as follows: "Charges reduced in accordance with base allowance per the applicable fee schedule."
- Modifier -86: OMFS "This Modifier is used when prior authorization was received for services that exceed OMFS ground rules."
- OMFS allows for Unlisted Procedure Codes to be reimbursed by "By Report."
- §9789.12.4 (c) "In determining the value of a By Report procedure, consideration may be given to the value assigned to a **comparable** procedure or analogous code. The comparable procedure or analogous code should reflect similar amount of resources, such as practice expense, time, complexity, expertise, etc. as required for the procedure performed."
- There is no allowance listed under the OMFS for the billed procedure code 97799 or, more specifically, an Initial Functional Restoration Program Evaluation, and a comparable procedure code does not exist.
- CPT 97799 By Report (BR) Code is not subject to MPPR as there is no unit value or conversion factor associated with this By Report Code.

- The Provider’s Usual and Customary Fee is presented on the RFA dated 06/22/2015, for “\$2,500.00” for an “Initial Evaluation” regarding a “Functional Restoration Program.”
- Authorization dated 06/24/2015 signed by Claims Administrator UR representative indicates “certification,” and does not indicate a modification of charges.
- Functional Restoration Program service is authorized; criteria for Modifier -86.
- Payment reflected on EOR indicates authorization for Initial FRP Services is not in dispute; full payment for billed Initial FRP services is the subject of dispute.
- **California State Assembly Bill 1177 amended the Labor Code effective January 1, 2002 to add §5307.11:** 5307.11. A health care provider or health facility licensed pursuant to Section 1250 of the Health and Safety Code, and a contracting agent, employer, or carrier may contract for reimbursement rates different from those in the fee schedule adopted and revised pursuant to Section 5307.1. When a health care provider or health facility licensed pursuant to Section 1250 of the Health and Safety Code, and a contracting agent, employer, or carrier contract for reimbursement rates different from those in the fee schedule, the medical fee schedule for that health care provider or health facility licensed pursuant to Section 1250 of the Health and Safety Code **shall not apply to the contracted reimbursement rates.** Except as provided in subdivision (b) of Section 5307.1, the official medical fee schedule shall establish maximum reimbursement rates for all medical services for injuries subject to this division provided by a health care provider or health care facility licensed pursuant to Section 1250 of the Health and Safety Code other than those specified in contracts subject to this section.
- Partial one page Contractual Agreement provided for IBR, reflects procedure codes with no assigned value reimbursed at “95%” of billed charges.
- CPT 97799 is a By Report Code without a comparable procedure, without a ‘unit value’ or conversation factor. As such, the contractual reimbursement rate defaults to the ‘Unlisted Procedure,’ reimbursement contract terms as per **LC §5307.11 – “the medical fee schedule shall not apply to the contracted reimbursement rates.”**
- Based on the aforementioned documentation and guidelines, additional reimbursement is indicated for Unlisted Procedure Code 97799-86.

The table below describes the pertinent claim line information.

DETERMINATION OF ISSUE IN DISPUTE: 97799-86

Date of Service: 07/23/2015							
Physician Services							
Service Code	Provider Billed	Plan Allowed	Dispute Amount	Assist Surgeon	Units	Workers' Comp Allowed Amt.	Notes
97799 - 86	\$2,500.00	\$426.00	\$2,074.00	N/A	1	\$2,375.00	PPO Contract (-) Reimbursed Amount \$1,949.00 Due Provider Refer to Analysis

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