

MAXIMUS FEDERAL SERVICES, INC.

Independent Bill Review
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INDEPENDENT BILLING REVIEW FINAL DETERMINATION

May 6, 2016

[Redacted]
[Redacted]
[Redacted]

IBR Case Number:	CB16-0000583	Date of Injury:	12/03/2001
Claim Number:	[Redacted]	Application Received:	04/11/2016
Assignment Date:	04/29/2016		
Claims Administrator:	[Redacted]		
Date(s) of service:	12/08/2015 – 12/08/2015		
Provider Name:	[Redacted]		
Employee Name:	[Redacted]		
Disputed Codes:	J3490-KD (NDC 38779196806), J1170-KD (NDC 38779073105), J0735-KD (38779056104), and J3490-KD (38779052409)		

[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 \$195.00 for the review cost and \$9,976.54 in additional reimbursement for a total of \$10,171.54. A detailed explanation of the decision is provided later in this letter.

The Claim Administrator is required to reimburse the Provider a total of **\$10,171.54** 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,

Paul Manchester, M.D., M.P.H.
Medical Director

cc: [Redacted]
[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
- Red Book

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 remuneration for compounded medications: J3490-KD (38779196806); J1170-KD (38779073105); J0735-KD (38779056104) and J3490-KD (NDC 38779052409) for date of service 12/08/2015.**
- The Claims Administrator's reimbursement rationale indicates "schedule allowance," however \$0.00 reimbursement is reflected on initial and final EOR's.
- Authorization dated 12/08/2015, **Certification Number: 109956801**, reflects the following in support of 12/08/2016 services:
 - Extension Pain Pump Maintenance and Refill x 2 visits minimum 6 – 8 weeks apart.
 - Response to RFA 12/04/2015
 - 12/08/2015 DOS indicated on RFA
- **Labor Code 5307.1. (e) (2)** Any compounded drug product shall be billed by the compounding pharmacy or dispensing physician at the ingredient level, with each ingredient identified using the applicable National Drug Code (NDC) of the ingredient and the corresponding quantity, and in accordance with regulations adopted by the California State Board of Pharmacy. Ingredients with no NDC shall not be separately reimbursable. The ingredient-level reimbursement shall be equal to 100 percent of the reimbursement allowed by the Medi-Cal payment system and payment shall be based on the sum of the allowable fee for each ingredient plus a dispensing fee equal to the dispensing fee allowed by the Medi-Cal payment systems. If the compounded drug product is dispensed by a physician, the maximum reimbursement shall not exceed 300 percent of documented paid costs, but in no case more than twenty dollars (\$20) above documented paid costs.

- Red Book indicates the following ingredients for the submitted NDC Codes:
 - **NDC 38779-1968-06 (J3490) Sufentanil Powder per gram.**
 - **NDC 38779-0731-05 (J1170) Hydromorphone HCL (Dilaudid) Powder per gram.**
 - **NDC 38779-0561-04 (J0735) Clonidine HCL Powder per gram.**
 - **NDC 38779-0524-09 (J3490) Bupivacaine HCL Powder per gram**
- Codes J3490, J1170, and J0735 do not adequately represent the documented medication as the reported NDC numbers reflect the **pharmaceuticals in powder** form and documentation reflects the medication is compounded in nature. As such, The NDCs and Metric Decimal Units (MDU) for **the grams of powder utilized** are considered for determination as the grams of powder represents the ingredients.
- **Labor Code 5307.1. (e) (2)** Any compounded drug product shall be billed by the compounding pharmacy or dispensing physician at the **ingredient level**, with each ingredient identified using the applicable National Drug Code (NDC) of the ingredient and the corresponding quantity, and in accordance with regulations adopted by the California State Board of Pharmacy. Ingredients with no NDC shall not be separately reimbursable. The ingredient-level reimbursement shall be equal to 100 percent of the reimbursement allowed by the Medi-Cal payment system and payment shall be based on the sum of the allowable fee for each ingredient plus a dispensing fee equal to the dispensing fee allowed by the Medi-Cal payment systems. If the compounded drug product is dispensed by a physician, the maximum reimbursement shall not exceed 300 percent of documented paid costs, but in no case more than twenty dollars (\$20) above documented paid costs.
- As reflected on medication label on the “**Intrathecal Pump Maintenance and Administration Record,**” for Date of Service 12/08/2015 reflects Pharmacy (mixed) Compound for Rx # 347188 as follows:
 - NDC 38779-1968-06 (Sufentanil) **4500 mcg/ml**
 - NDC 38779-0731-05 (Hydromorphone HCL “Dilaudid”) **4.3mg/ml**
 - NDC 38779-0561-04 (Clonidine HCL) **1000 mcg/ml**
 - NDC 38779-0524-09 (Bupivacaine HCL) **14 mg/ml**
- Documentation indicates a **Volume 22 mls**
- Documentation and Redbook data reflect the following grams of powder **compounded** by the Pharmacy for RX # 347188 for a volume of 22 mls:
 - NDC 38779-1968-06 (**Sufentanil**) = 0.0045 grams = **0.099 ingredient level grams of product**
 - NDC 38779-0731-05 (**Hydromorphone HCL “Dilaudid”**) = 0.0043 grams = **0.0946 ingredient level grams of product**
 - NDC 38779-0561-04 (**Clonidine HCL**) = 0.001 grams = **0.022 ingredient level grams of product**
 - NDC 38779-0524-09 (**Bupivacaine HCL**) = 0.014 grams = **0.308 ingredient level grams of product**
- CMS 1500 and EOR’s do not indicate any other services were charged or reimbursed; one injection fee allowed.
- Pursuant to **Labor Code 5307.1. (e) (2)** The ingredient level of **powder** was entered into the DWC Medication Calculator.

- Based on the aforementioned documentation and guidelines, reimbursement is indicated for compounded medication J3490-KD (38779196806); J1170-KD (38779073105); J0735-KD (38779056104) and J3490-KD (NDC 38779052409).

The table below describes the pertinent claim line information.

DETERMINATION OF ISSUE IN DISPUTE: J3490-KD (38779196806); J1170-KD (38779073105); J0735-KD (38779056104) and J3490-KD (NDC 38779052409)

Date of Service: 12/08/2015						
Pharmacy						
Service Code	Provider Billed	Plan Allowed	Dispute Amount	Units	Workers' Comp Allowed Amt.	Notes
J3490-KD (38779196806); J1170-KD (38779073105); J0735-KD (38779056104) and J3490-KD (NDC 38779052409)	\$64,030.00	\$0.00	\$10,437.59	-	\$9,976.54	Compound Medication Refer to Analysis

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]