

INDEPENDENT BILLING REVIEW FINAL DETERMINATION

March 17, 2015

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

IBR Case Number:	CB14-0001502	Date of Injury:	01/22/2003
Claim Number:	[REDACTED]	Application Received:	10/06/2014
Claims Administrator:	[REDACTED]	Assignment Date:	01/07/2015
Provider Name:	[REDACTED]		
Employee Name:	[REDACTED]		
Disputed Codes:	97799-86		

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 \$250.00 for the review cost and \$375.00 in additional reimbursement for a total of \$625.00. A detailed explanation of the decision is provided later in this letter.

The Claim Administrator is required to reimburse the Provider a total of \$625.00 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
- Partial Contractual Agreement: 95%

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 Initial Functional Restoration Evaluation, billed as Unlisted Procedure Code 97799, for date of service 08/22/2013.**
- The Claims Administrator reimbursed the Provider \$2,000.00 of \$2,500.00 on with the following rationale: “Percentage of billed charges to reflect a fair and reasonable allowance. 20%.” and “Payment based on pre-negotiated agreement for this specific service.”
- 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, a Functional Restoration Program.

- The Unknown procedure code, applied by the Claims Administrator, is not a “comparable” procedure to Functional Restoration as Functional Restoration Programs require a comprehensive approach in controlling pain and, most importantly, a CPT Code has yet to be formulated for Functional Restoration Programs.
- The Provider’s Usual and Customary Fee is presented on Authorization Request dated 08/05/2013 as follows: “Initial Interdisciplinary Evaluation at a cost of \$2,500.00.”
- Authorization signed by Claims Administrator, dated 08/05/2013.
- Functional Restoration Program service is authorized; meeting the criteria for Modifier - 86.
- Partial Contractual Agreement provided for IBR, reflects “95%” of “eligible billed charges,” with “no assigned value.”

The table below describes the pertinent claim line information.

DETERMINATION OF ISSUE IN DISPUTE: Based on the aforementioned documentation and guidelines, additional reimbursement is warranted for 97799-86

Date of Service: 08/22/2013							
Physician Services							
Service Code	Provider Billed	Plan Allowed	Dispute Amount	Assist Surgeon	Units	Workers’ Comp Allowed Amt.	Notes
97799 - 86	\$2,500.00	\$500.00	\$500.00	N/A	1	\$2,375.00	PPO Contract – Reimbursed Amount = \$375.00 Due Provider

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