

INDEPENDENT BILLING REVIEW FINAL DETERMINATION

April 15, 2015

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

IBR Case Number:	CB14-000085	Date of Injury:	02/02/2013
Claim Number:	[REDACTED]	Application Received:	01/22/2015
Claims Administrator:	[REDACTED]	Assignment Date:	02/18/2015
Provider Name:	[REDACTED]		
Employee Name:	[REDACTED]		
Disputed Codes:	97799-86 x 29 Units		

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: UPHOLD. MAXIMUS Federal Services has determined that no additional reimbursement is warranted. The Claims Administrator’s determination is upheld and the Claim Administrator does not owe the Provider additional reimbursement. A detailed explanation of the decision is provided later in this letter.

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
- PPO Contract.

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 x 29 units, for date of service 08/18/2014 – 08/22/2014.**
- The Claims Administrator reimbursed the Provider \$427.50 (amount listed on IBR Application) of \$6,525.00 with the following rationale: “The charge exceeds the Official Medical Fee schedule allowance, the charge has been adjusted to the scheduled allowance.”
- **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, and a CPT Code has yet to be formulated for this comprehensive program.

- Request for Authorization, dated 12/23/2014 states the Provider’s usual and customary fee for the 160 hour Functional Restoration Program @ \$225.00 hr. for **dates of service 01/06/2014 – 02/14/2014; 08/18/2014 – 08/22/2014 not listed.**
- **Retroactive Authorization, dated 7/16/2014** reflects authorization for “Functional Restoration Program (for) 160 Hours,” for the following dates of service:
 - **From: 12/17/2013 To: 01/31/2014**
 - **From: 12/17/2013 To: 02/05/2014**
 - **08/18/2014 – 08/22/2014 not listed**
- Exhaustive search through received documentation did not reveal an Authorization by the Claims Administrator for the Functional Restoration Program services, billed as Unlisted Procedure Code 97799-86 x 19 units, for **dates of service 08/18/2014 – 08/22/2014.**
- Contractual agreement states “95 %” of “eligible billed charges” for “procedure codes with no assigned value.”
- Documentation provided for IBR does not support the criteria for Modifier -86, as such, eligibility of billed charges for unlisted CPT 97799-86 could not be determined.

The table below describes the pertinent claim line information.

DETERMINATION OF ISSUE IN DISPUTE: 97799-86

Date of Service 08/18/2014 – 08/22/2014							
Physician Services							
Service Code	Provider Billed	Plan Allowed	Dispute Amount	Assist Surgeon	Units	Workers’ Comp Allowed Amt.	Notes
97799 - 86	\$6,525.00	\$427.50 Per IBR App	\$5985.00	N/A	19	\$427.50	Refer to Analysis

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