

**INDEPENDENT BILLING REVIEW FINAL DETERMINATION**

May 1, 2015

[Redacted]  
[Redacted]  
[Redacted]

<b>IBR Case Number:</b>	CB15-0000197	<b>Date of Injury:</b>	07/16/2002
<b>Claim Number:</b>	[Redacted]	<b>Application Received:</b>	02/13/2015
<b>Claims Administrator:</b>	[Redacted]	<b>Assignment Date:</b>	03/05/2015
<b>Provider Name:</b>	[Redacted]		
<b>Employee Name:</b>	[Redacted]		
<b>Disputed Codes:</b>	ML104-95		

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: 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
- Med-Legal OMFS

## 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 additional remuneration for billed Med-Legal ML104-94 services, date of service 08/18/2014.**
- Claims Administrator denied reimbursement for services with the following rationale: “The charge exceeds the Official Medical Fee Schedule allowance. The charge has been adjusted to the scheduled allowance.”
- **Title 8**, California Code of Regulations, Chapter 4.5, Division of Workers’ Compensation Subchapter 1, Administrative Director – Administrative Rules, **Article 5.6 Section 9795**. Reasonable Level of Fees for Medical-Legal Expenses, Follow-up, Supplemental and Comprehensive Medical-Legal Evaluations and Medical-Legal Testimony. **(c)** Medical-legal evaluation reports and medical-legal testimony shall be reimbursed as follows: **ML104** Procedure Description: A comprehensive medical-legal evaluation for which **the physician and the parties agree, prior to the evaluation, that the evaluation involves extraordinary circumstances.**
- Authorization for ML104 from Claims Administrator dated August 4, 2014 represents acknowledgment of ML104-94 Agreed Medical Evaluator services.
- Med Legal OMFS Modifier -94, increases fee by 25%.
- Documentation entitled “Medical-Legal Psychiatric Reevaluation Report,” page 2, under the heading “Explanation of Charges,” the Provider indicates “14.75” hours of “Total Time Spent,” for the following services:
  - **Hamilton Depression Rating Scale 45 min (Psychological Testing)**
  - **Hamilton Anxiety Rating Scale 45 min (Psychological Testing)**

- Face-to-Face 1 hour
- Record Review 2 hours
- Activities of Daily Living 45 minutes
- Report Preparation 4 hours
- Research. 5.5 hours
- CMS 1500 Form reflects 96101 Psychological Testing x 2 Units.
- AMA CPT 2014 96101 Code Description: **Psychological testing** (includes psychodiagnostic assessment of emotionality, intellectual abilities, personality and psychopathology, eg, mmpi, rorschach, wais), **per hour of the psychologist's or physician's time, both face-to-face time administering tests to the patient and time interpreting these test results and preparing the report.**
- EOR reflects Provider Reimbursed in accordance with the OMFS for 2 Units of CPT 96101.
- From a reporting of time standpoint, two hours of time is deducted from the overall time reported for ML104-94 as the RVU's for these services are included in the services billed and reimbursed under CPT 96101 x 2 Units; 14.75 total reported time – 96101 x 2 Units = 13.25 hours or 53 billable units.
- EOR Reflects 25% increase for AME Modifier – 94.
- Med. Legal OMFS Calculation is as follows: **53 units @ \$62.50 = \$3,312.50 x 25% (Modifier 94) = \$4,140.63 in billable charges for ML104-94.**
- EOR, Issue Date 11/26/2014, Date of Service 08/18/2014, reflects ML104-94 reimbursement of **\$4,140.63.**

The table below describes the pertinent claim line information.

**DETERMINATION OF ISSUE IN DISPUTE: Based on the aforementioned documentation and guidelines, additional remuneration for ML104-94 is not indicated.**

Date of Service: 08/18/2014							
Med-Legal Services							
Service Code	Provider Billed	Plan Allowed	Dispute Amount	Assist Surgeon	Units	Workers' Comp Allowed Amt.	Notes
ML104-95	\$2,625.00	\$0.00	\$0.00	N/A	1	\$0.00	Refer to Analysis
96101	N/A	N/A	N/A	N/A	N/A	N/A	Code Not In Dispute

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