

**MAXIMUS FEDERAL SERVICES, INC.**

Independent Bill Review  
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**INDEPENDENT BILLING REVIEW FINAL DETERMINATION**

December 7, 2015

[Redacted]  
[Redacted]  
[Redacted]

IBR Case Number:	CB15-0002071	Date of Injury:	09/01/2013
Claim Number:	[Redacted]	Application Received:	11/10/2015
Assignment Date:	11/30/2015		
Claims Administrator:	[Redacted]		
Date(s) of service:	08/22/2014 – 08/22/2014		
Provider Name:	[Redacted]		
Employee Name:	[Redacted]		
Disputed Codes:	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: 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 \$625.00 in additional reimbursement for a total of \$820.00. A detailed explanation of the decision is provided later in this letter.**

The Claim Administrator is required to reimburse the Provider a total of **\$820.00** 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
- Med Legal Official Medical Fee Schedule

## 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 disputing reimbursement for ML104 services submitted for date of service 08/22/2014.**
- Claims Administrator reimbursed denied service as not reflective of a “compensable injury.”
- Communication dated June 17, 2014, indicates Provider is the Panel selected QME; acknowledged by Claims Administrator and Legal Parties.
  - Appointment is indicated; type of Med-Legal appointment and criteria, not indicated.
- Aforementioned documentation does not indicate a list of Medical Evaluation Directives or the nature of the Contested Claim.
- History of Contested Claim, other than dictated report by Provider, not submitted for IBR.
- ML104 requires a “mutual agreement” for services and direct request for “causation.”
- CMS 1500 indicates “1” unit, or 15 minutes.
- Statement Reflects “10” hours, which is **46 units**.
- Documentation reflecting the Claims Administrator and/or Legal Parties’ **request for an evaluation involving extraordinary circumstances** (ML104) not received for IBR.
- **Evaluation Documentation compared to ML104 OMFS “4 or more complexity factors” requirement:**
  - (1) 2 or more hours Face-to-Face time – **Criteria Met**, Page 14 of QME Report, the Provider States “**2 hours 30 min.**”

- (2) 2 or more hours Record Review – **Criteria Not Met**, Page 14 of QME Report, Provider states, “**30 minutes.**”
- (3) Two or more hours of medical research by the physician;
  - Med. Legal OMFS, “An evaluator who specifies complexity factor (3) must also provide a list of citations to the sources reviewed, and excerpt or include copies of medical evidence relied upon” **Criteria Not Met** – in accordance with **§9793 (j)**: "Medical research" is the investigation of medical issues. It includes investigating and reading medical and scientific journals and texts. "Medical research" does not include reading or reading about the *Guides for the Evaluation of Permanent Impairment* (any edition), treatment guidelines (including guidelines of the American College of Occupational and Environmental Medicine), the Labor Code, regulations or publications of the Division of Workers' Compensation (including the *Physicians' Guide*), or other legal materials.”
- (4) “**Four or more hours** spent on any combination of **two** of the complexity factors (1)-(3), which shall count as two complexity factors. Any complexity factor in (1), (2), or (3) used to make this combination shall not also be used as the third required complexity factor.” **Criteria Not Met**
- (5) “Six or more hours spent on any combination of **three** complexity factors (1)-(3), which shall count as three complexity factors.” **Criteria Not Met**
  - **Provider indicates “8.5 hours** spent producing this report, including editing, and case (medical) research, scheduling MRI”
    1. **Unable to determine exact time spent on research.**
    2. **Citation page/index not documented.**
- (6) Causation – “Addressing the issue of medical causation, **upon written request** of the party or parties requesting the report, or if a bona fide issue of medical causation is discovered in the evaluation.” **Criteria Not Met**
  - **Directive from Claims Administrator/Legal Parties not received.**
  - **Unable to verify discovery of “bona fide issue of medical causation” as past history or directive from Claims Administrator/Legal parties was not available for review.**
- (7) Apportionment – **Criteria Met**
- (8) For dates of injury before December 31, 2012 where the evaluation occurs on or before June 30, 2013, addressing the issue of medical monitoring of an employee following a toxic exposure to chemical, mineral or biologic substances; **Criteria Not Met.**
- (9) A psychiatric or psychological evaluation which is the primary focus of the medical-legal evaluation. **Criteria Not Met - Provider is a QME Chiropractor.**
- (10) For dates of injury before December 31, 2012 where the evaluation that occurs on or before June 30, 2013, addressing the issue of denial or modification of treatment by the claims administrator following utilization review under Labor Code section 4610. **Criteria Not Met**, Date of QME 08/24/2014.
- **Two (2) Complexity Factors Abstracted From QME Report.**
- **Criteria not met for ML104, recommend reimbursement for documented service ML102.**

- **ML102 - A basic medical evaluation which does not meet the criteria of any other medical-legal evaluation.**
  - Paid at a flat rate.
  - All expenses are included except for diagnostic testing.
- **Based on the aforementioned documentation and guidelines, reimbursement is warranted for ML102 and is not indicated for ML104.**

The table below describes the pertinent claim line information.

**DETERMINATION OF ISSUE IN DISPUTE: ML104**

<b>Date of Service:</b> 08/22/2014							
<b>Med Legal Services</b>							
<b>Service Code</b>	<b>Provider Billed</b>	<b>Plan Allowed</b>	<b>Dispute Amount</b>	<b>Assist Surgeon</b>	<b>Units</b>	<b>Workers' Comp Allowed Amt.</b>	<b>Notes</b>
ML104	\$2,875.00	\$0.00	\$2,125.00	N/A	"1"	<b>\$625.00</b>	ML102 Refer To Analysis

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