

MAXIMUS FEDERAL SERVICES, INC.

Independent Bill Review
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INDEPENDENT BILLING REVIEW FINAL DETERMINATION

January 11, 2016

[REDACTED]
[REDACTED]
[REDACTED]

IBR Case Number:	CB15-0002269	Date of Injury:	02/08/2012
Claim Number:	[REDACTED]	Application Received:	12/10/2015
Claims Administrator:	[REDACTED]		
Date(s) of service:	08/26/2015 – 08/26/2015		
Provider Name:	[REDACTED]		
Employee Name:	[REDACTED]		
Disputed Codes:	E1339-LL		

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
- DMEPOS
- MTUS
- PubMed
- Official Medical Fee Schedule
- 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 remuneration for E1399-LL Electron Wave Form provided to Injured Worker on 08/26/2015.**
- The Claims Administrator denied reimbursement as unauthorized service & “comparable service.” A Comparable service code as indicated in the explanation on EOR **Document Number 1Q2721503080000** on **11/13/15**, does not indicate a comparable service code and reimbursement was not indicated. **2nd EOR does indicate “\$2,970.00” was previously paid on 11/13/2015.**
- **IBR Application 12/08/2015 indicates “\$0.00” payment.**
- E1399 Is an Unlisted Durable Medical Equipment Code. The code reflected in the documentation represents an H-wave muscle stimulator unit which differs from the E0745 Neuromuscular stim for shock, assigned by the Claims Administrator. It is noted that the modifier, LL reflected on the CMS 1500 form indicates a “rental,” however, the Invoice delivered to Injured Worker reflects entire purchase price of unit.
- Invoice reflects unit delivered to Injured Workers Home Address.
- **Authorization dated September 8, 2015** signed by the Claims Administrator indicates “H-wave device for the lumbar spine is **certified**” for **"purchase."**
- **CCR § 9789.60.** Durable Medical Equipment, Prosthetics, Orthotics, Supplies. (a) For services, equipment, or goods provided after January 1, 2004, the maximum reasonable

reimbursement for durable medical equipment, supplies and materials, orthotics, prosthetics, and miscellaneous supplies and services shall not exceed one hundred twenty (120) percent of the rate set forth in the CMS' Durable Medical Equipment, Prosthetics/Orthotics, and Supplies (DMEPOS) Fee Schedule, as established by Section 1834 of the Social Security Act (42 U.S.C. § 1395m) and applicable to California.

- Title 8, §9789.19 For services rendered on or after 4/1/2014, use: the OMFS Durable Medical Equipment, Prosthetics, Orthotics, Supplies (DMEPOS) Fee Schedule applicable to the date of service
- H-wave stimulation is a form of electrical stimulation that differs from other forms of electrical stimulation, such as transcutaneous electrical nerve stimulation (TENS), in terms of its waveform (MTUS – Chronic Pain Treatment Guidelines).
- The main advantage of these technologies over currently applied electrical stimulators (eg, transcutaneous electrical nerve stimulator [TENS], interferential [IF], neuromuscular electrical stimulation [NMES], high-volt galvanic, etc.) is that H-Wave's(R) small fiber contraction does not trigger an activation of the motor nerves of the large white muscle fibers or the sensory delta and C pain nerve fibers, thus eliminating the negative and painful effects of tetanizing fatigue, which reduces transcapillary fluid shifts. Another function of the H-Wave(R) device is an anesthetic effect on pain conditions, unlike a TENS unit which in the short term activates a hypersensory overload effect (gate theory) to stop pain signals from reaching the thalamic region of the brain.(PubMed - 20048478)
- A DMEPOS or HCPCS code has yet to be assigned for H-Wave devices and a there is no comparable service code. As such, the Provider may be reimbursed a percentage of the billed Usual and Customary Charge under the OMFS or an existing Contractual Agreement.
- Provider's Usual and Customary fee indicated on CMS 1500 and Invoice to Injured Worker is \$3,300.00.
- Invoice Reflects \$3,300.00 delivered to Injured Worker's Home Address.
- Rental Agreement indicates \$2,970.00 for 9 months.
- **The Provider is the Manufacture** of the Unit; Contractual Agreement "Exhibit B," reflects "85% of billed charges."
- Communication from the Claims Administrator on 01/06/2015 indicates \$2,970.00 reimbursed to the Provider on **11/10/215, Check Number 0010494261, Document Number, 1Q2721503080000**; which coincides with the **2nd EOR** listed above.
- The Claims Administrator's \$2,970.00 reimbursement documentation reflects payment prior to IBR Filing and is not subject to the IBR Filing Fee.
- **Reimbursement reflects 100% of the Purchase Price less PPO Discount. No further reimbursement is due and the unit is deemed "purchased," fulfilling the September 8, 2015 Authorization.**

The table below describes the pertinent claim line information.

DETERMINATION OF ISSUE IN DISPUTE: Based on the documentation and guidelines, Additional reimbursement is not indicated for E1399-LL.

Date of Service 08/26/2015							
DMEPOS							
Service Code	Provider Billed	Plan Allowed	Dispute Amount	Assist Surge on	Units	Workers' Comp Allowed Amt.	Notes
E1399-LL	\$3,300.00	\$2,970.00	\$1,875.60	N/A	1	\$2,970.00	Refer to Analysis

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