
INDEPENDENT BILLING REVIEW FINAL DETERMINATION

August 12, 2015

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██████████████████
██████████████████

IBR Case Number:	CB15-0001151	Date of Injury:	04/06/2013
Claim Number:	██████████	Application Received:	07/15/215
Claims Administrator:	██████████		
Date(s) of service:	01/19/2015		
Provider Name:	██████████████████		
Employee Name:	██████████		
Disputed Codes:	97670		

Dear ██████████

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 \$1687.50 in additional reimbursement for a total of \$1882.50. A detailed explanation of the decision is provided later in this letter.

The Claim Administrator is required to reimburse the Provider a total of \$1882.50 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, MD, MPH
Medical Director

cc: ██████████
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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
- Official Medical Fee Schedule
- Negotiated contracted rates:
- National Correct Coding Initiatives

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 is dissatisfied with denial of billed code 97670.
- Claims Administrator denied code indicating on the Explanation of Review “The Official Medical Fee Schedule does not list this code. No payment is being made at this time. Please resubmit your claim with the OMFS code(s) that best describe the service(s) provided and your supporting documentation”
- CPT 97670 is not a valid code, however, Provider’s Request for Authorization dated 12/19/2014 documents his Usual and Customary Fee along with billing of code 97670. RFA also states “If you agree with our billing using the code 97670 at the rate of \$250/hour, please sign this document and fax it back to our office...” Document is signed by the Claims Administrator.
- Report Entitled “Functional Capacity Evaluation” reflects date of service 1/19/2015
- 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.” A code used in Functional Capacity Evaluation has been 99499.
- There is no allowance or comparable code listed under the OMFS for service billed with procedure code 99499 or, more specifically, a Functional Capacity Evaluation; a CPT

Code has yet to be formulated for this comprehensive program. As such, a contractual agreement or the OMFS will dictate the level of reimbursement.

- Signed Authorization by Claims Administrator does not indicate a “By Report” or PPO Reduction. As such, the signed authorization and the OMFS dictates reimbursement.
- Pursuant to LC § 5307.11: A health care provider or health facility licensed pursuant to Section 1250 of the Health and Safety Code, and a contracting agent, employer, or carrier may contract for reimbursement rates different from those in the fee schedule adopted and revised pursuant to Section 5307.1. When a health care provider or health facility licensed pursuant to Section 1250 of the Health and Safety Code, and a contracting agent, employer, or carrier contract for reimbursement rates different from those in the fee schedule, the medical fee schedule for that health care provider or health facility licensed pursuant to Section 1250 of the Health and Safety Code shall not apply to the contracted reimbursement rates.
- The aforementioned 12/19/2014 Authorization is contractual in nature. As such, the contractual rates apply pursuant to LC §5307.11.

The table below describes the pertinent claim line information.

DETERMINATION OF ISSUE IN DISPUTE: Reimbursement of code 96760 as 99499

Date of Service: 01/19/2015							
Physician Services							
Service Code	Provider Billed	Plan Allowed	Dispute Amount	Units	Multiple Surgery	Workers' Comp Allowed Amt.	Notes
99499	\$1687.50	\$0.00	\$1687.50	1	N/A	\$1687.50	DISPUTED SERVICE: Allow reimbursement \$1687.50

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Liberty Mutual

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