

## **APPENDIX D**

### **SAMPLE SUMMARY REPORT OF MEDICAL FEE DISPUTES**

#### **UTILIZATION REVIEW**

An audit was done to determine whether utilization review had occurred or was appropriate in selected medical fee disputes filed in 1997 with the Department of Workers Claims. The following data was compiled:

1. docket date
2. claim number
3. claimant's name
4. dispute filed by
5. name of defendant-employer
6. name of carrier or responsible Party
7. whether the disputed procedure/ MFD was filed post- or pre-award, or pre-claim
8. issue 1
9. issue 2
10. issue 3
11. issue 4
12. the amount in controversy
13. whether UR was applicable
14. UR criteria
15. whether UR occurred
16. comments
17. identity of UR agent
18. outcome of the dispute

In the report that follows, the issues, comments, and whether UR occurred, and if UR did occur, whether it was pre-award, or post-award are identified.

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**APPENDIX D**  
**SAMPLE SUMMARY REPORT OF MEDICAL FEE DISPUTES**

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable? No	UR criteria: None met	Did UR occur? No
Outcome: Sustain MTR - DE not responsible for bills		
Comments:		
Issue 1: Work-relatedness of prescriptions to coal workers pneumoconiosis	Issue 2:	
Issue 3:	Issue 4:	

Filed by:	Post/Pre Awd or Settlement: Post	Amt. of Controversy: \$2440
UR applicable? Yes	UR criteria: 30 days, \$3,000	Did UR occur? No
Outcome: Sustain MTR		
Comments: UR not done by designated UR provider, no heading of "UR report"		
Issue 1: Failure to appear at pain management clinic	Issue 2: Failure to follow treatment recommendations but treated with the doctor which he was not to do until after pain management completed.	
Issue 3: Medical necessity	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by: PLTF	Post/Pre Awd or Settlement: Post Settlement	Amt. of Controversy: 11,633.01, but no bills, dates, or expenses in file
UR applicable? Yes	UR criteria: 30 days off work	Did UR occur? No
Outcome: Overrule PLTFs Motion for failure to file MTR & 112, only filed Motion to Compel pmt of med expenses		
Comments: UR not done		
Issue 1: DE failed to pay meds prior to settlement	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 1126.40
UR applicable? Yes	UR criteria: 30 days	Did UR occur? No
Outcome: Resolved in favor of DE		
Comments:		
Issue 1: Treatment rendered for recent heart surgeries, diabetes, hypertension not for plaintiff's work related injury	Issue 2:	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable? No	UR criteria: Non-compensable Gout - work injury was to back	Did UR occur? No
Outcome: Sustain MTR, expenses deemed unreasonable unrelated based on Dr report filed w MTR. No response by PLTF.		
Comments: Dr report was convincing that condition was not work-related		
Issue 1: MTR - Reasonableness of treatment	Issue 2: Work-relatedness of condition	
Issue 3:	Issue 4:	

Filed by: Both - PLTF & DE (PLTF for worsening of condition, DE to contest meds)	Post/Pre Awd or Settlement: Post	Amt. of Controversy: Unknown
UR applicable? Yes	UR criteria: Preauthorization for surgery - denial & no request for reconsideration, surgery done anyway	Did UR occur? Yes
Outcome: Sustain DE's MTR (for meds), Overrule PLTF's Motion on worsening of condition		
Comments: UR decision not in file, but DE's attorney & claims adjuster say it occurred		
Issue 1: DE claims med expense of recent back surgery at L5-S1 was unrelated to original low back injury of 1992	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 13,285
UR applicable? Yes	UR criteria: \$3,000	Did UR occur? No
Outcome: Overrule MTR, motion for fees pending response, Order 20 days to demonstrate how med expenses relate to work injury 1989		
Comments: No UR in file. Meds relative to the hospital bills, only PT, no actual bills		
Issue 1: Attorney fees for PLTF counsel	Issue 2: Mileage for canceled depo of doctor/ 300 miles & 5 hours	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: Unknown
UR applicable? No	UR criteria: Compensability denied	Did UR occur? No
Outcome: Med bills found not compensable, not related to prior injury		
Comments:		
Issue 1: Work-relatedness of headache treatment & stitches to hand	Issue 2:	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by:	Post/Pre Awd or Settlement:	Amt. of Controversy:
UR applicable? Yes	UR criteria:	Did UR occur? No
Outcome:		
Comments: No 112, but UR explained in MTR		
Issue 1: Reasonableness of continued narcotic medicines - MFD filed w supporting UR decision of Dr. (PLTF filed no response, even after order of ALJ to file records)	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable?	UR criteria:	Did UR occur? No
Outcome:		
Comments:		
Issue 1: Compensability of prescription of Zantac	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 100
UR applicable? No	UR criteria:	Did UR occur? No
Outcome: Overrule DE MTR because they had already been ordered to pay expenses for Rt Shoulder (in Award); Overrule PLTF MTR on worsening of condition for failure to comply w 803 KAR 25:010 s4(6)		
Comments: 1. Post-award motion was made by PLTF requesting pmt of psych bills - Resolved in favor of DE on 11/3/96 2. DE alleges 2 reinjuries (5/13/96 gardening & 5/21/96 catching her granddaughter)		
Issue 1: MTR to contest payment of Meds -112 attached	Issue 2: causation of current condition/ subsequent injury	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 496.
UR applicable? Don't know	UR criteria:	Did UR occur? No
Outcome: Resolved in favor of DE, says that employee bears burden of proof to show that treatment is medically necessary & that he failed to do so		
Comments:		
Issue 1: X-ray is not treatment, not compensable since COPD is not the same as coal workers pneumoconiosis	Issue 2:	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 1000 (about)
UR applicable? Yes	UR criteria: 30 days	Did UR occur? Yes
Outcome: Deny DE's motion to add additional medical expenses. DE provided no medical evidence as basis for challenging reasonableness & necessity. Failed to refer to WC Chiropractic Peer Review Committee		
Comments:		
Issue 1: Excessive use of chiropractic treatment is not necessary	Issue 2:	
Issue 3:	Issue 4:	

Filed by: PLTF	Post/Pre Awd or Settlement: Post	Amt. of Controversy: ?
UR applicable? Yes	UR criteria: 30 days	Did UR occur? Yes
Outcome: Overrule MTR, but PLTF is granted 20 days to reply to motion		
Comments: Reopening not necessary as defendant agrees to pay bills		
Issue 1: Failure to pay med bills in timely manner, accused of acting in bad faith. Defense says ER visit at hospital not related to accident 3 years before	Issue 2:	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy



Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 8,971.17 total - 1007.23 + 7963.94
UR applicable? Yes, but not completed	UR criteria: Inpatient admin	Did UR occur? Yes, but not completed
Outcome: Sustain enlargement of time but ordered to submit results of UR immediately rather than wait for independent medical examination (IME)		
Comments:		
Issue 1: Work-relatedness	Issue 2: Enlargement of time to submit evidence, schedule IME & send bills for UR	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 2085.
UR applicable? No	UR criteria:	Did UR occur? No
Outcome: Overrule DE's motion because defendant's request names only the doctor & not hospital where statements are also contested		
Comments:		
Issue 1: Compensability of treatment related to stroke/hypertension	Issue 2: Work-relatedness	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by: PLTF	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 359.99
UR applicable?	UR criteria:	Did UR occur? No
Outcome: Overrule MTR as issue is moot, carrier approved payment		
Comments:		
Issue 1: Failure to pay (not stated in motion)	Issue 2:	
Issue 3:	Issue 4:	

Filed by: PLTF	Post/Pre Awd or Settlement: Pre-Claim	Amt. of Controversy: Unknown
UR applicable? No	UR criteria: Disputing compensability of injury	Did UR occur? No
Outcome: Sustained in favor of PLTF. - No response by insurance company so Arbitrator ruled in favor of PLTF, ordering DE to pay for reasonable & necessary care and to send PLTF a Form 113		
Comments:		
Issue 1: Notice - PLTF crushed hand & hurt back& neck, but did not report back/neck pain until several days/weeks later. Carrier denies back/neck treatment on grounds of improper notice	Issue 2:	
Issue 3:	Issue 4:	

Filed by: PLTF	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 3088.75
UR applicable? Yes	UR criteria: \$3,000 (surgery)	Did UR occur? Unknown - not in file
Outcome:		
Comments: UR applicable, surgery occurred last year (August '96)		
Issue 1: Unpaid hospital bill for surgery in summer '96. Doctor was paid but hospital was not	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 500
UR applicable? Yes	UR criteria: 30 days	Did UR occur? Yes
Outcome: Medical expenses deemed not-compensable since PLTF failed to respond to order of 4/22/97. Whereas did UR but did not address issue of compensability, only medical necessity		
Comments:		
Issue 1: Compensability - employee fell on two occasions that were not work-related	Issue 2:	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by: PLTF	Post/Pre Awd or Settlement: Post	Amt. of Controversy: ?
UR applicable? ?	UR criteria:	Did UR occur? No
Outcome: Passed PLTF's request, PLTF is ordered to resubmit bill to right address w appropriate documentation & DE is given 30 days from date of receipt of medical expenses to respond to plaintiff's request to resolve MFD		
Comments:		
Issue 1: Medications - DE states bill sent to wrong address, requests that bill be sent to right address.	Issue 2: Plaintiff failed to provide treatment notes	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 1500. (about)
UR applicable? Yes	UR criteria: \$3,000	Did UR occur? No
Outcome: Overrule MTR. DE is ordered to pay medical bills. Arbitrator relies on report of treatment physician who says treatment is work-related		
Comments:		
Issue 1: Compensability of meds	Issue 2:	
Issue 3:	Issue 4:	

Filed by: PLTF	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 4687.31 total - \$4600 hospital & 87.31 drugs
UR applicable? Yes	UR criteria: \$3,000	Did UR occur? No
Outcome: DE has 20 days to show cause why relief demanded by PLTF should not be granted		
Comments:		
Issue 1: Bills submitted; DE neither paid nor denied claim within required 30 days	Issue 2:	
Issue 3:	Issue 4:	

Filed by:	Post/Pre Awd or Settlement:	Amt. of Controversy:
UR applicable?	UR criteria: Not sure if \$3,000 or 30 days	Did UR occur? No
Outcome:		
Comments:		
Issue 1: MFD (not in file) - DE denies entire claim, 101 not filed until MFD	Issue 2: MFD filed by chiropractor for PLTF, no indication of UR	
Issue 3:	Issue 4:	

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Filed by: PLTF	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable? Yes, partially done	UR criteria: Surgery & 30 days	Did UR occur? Yes, partially
Outcome: PLTF given 10 days to file result of final UR; 2nd case of same situation		
Comments: Old MFD form used, UR first denied 8/96. No provider/PLTF requests reconsideration & did not use appeal rights		
Issue 1: Surgery - Discogram & Lumbar Fusion	Issue 2: Diagnostic Procedure	
Issue 3:	Issue 4:	

Filed by: PLTF	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable? No	UR criteria:	Did UR occur? No
Outcome: Don't know		
Comments:		
Issue 1: Carrier hasn't paid bills stating not enough information	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 75.
UR applicable? ?	UR criteria: ?	Did UR occur? Yes
Outcome: Resolved in favor of DE who is relieved from responsibility of payment of expense		
Comments:		
Issue 1: Compensability - UR said not related to coal workers pneumoconiosis	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable? No	UR criteria: Bills are being disputed as non-compensable	Did UR occur? No
Outcome: Sustain MTR, employee/medical provider has 20 days to establish case for work-relatedness, or bills will be deemed non-compensable		
Comments: Old MFD Form 112 used		
Issue 1: Work-relatedness - neck treatment, original claim was carpal tunnel	Issue 2: Timely filing - provider did not send bills within 45 days	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 345.
UR applicable? No	UR criteria:	Did UR occur? No
Outcome: Sustain - Final Order - med bills not related to injury		
Comments:		
Issue 1: MTR contest treatment by the doctor of later on-the-job injury not related to 1st injury	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 315
UR applicable? Yes	UR criteria: surgery	Did UR occur? No
Outcome: Benefit review conference scheduled		
Comments: Dispute relatedness of treatment to original injury, not related to injury at home		
Issue 1: MTR to determine reasonableness of treatment 1 yr following settlement	Issue 2: causation	
Issue 3: failure to follow medical advice	Issue 4: pmt of meds/ treatment by the doctor	



Filed by:	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable? No	UR criteria: Don't know - unclear, not enough info in file	Did UR occur? No
Outcome: Medical expenses found to be not work-related		
Comments: Confused because PLTF attorney agrees it is not compensable		
Issue 1: Not medically related to initial injury	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: Can't determine from file
UR applicable? I think so, can't determine from file	UR criteria: Unknown	Did UR occur? No
Outcome: Sustained MTR		
Comments: Attorney does not understand what UR is. Need to call him.		
Issue 1: Unreasonable & unnecessary medical fees resulting from alleged work injury	Issue 2:	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by: PLTF	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable? Yes	UR criteria: Surgery - request for pre-authorization	Did UR occur? Not sure
Outcome: DE given 10 days to file UR report		
Comments: No UR in file, although affidavits of PLTF state carrier refuses to consent to the surgery		
Issue 1: Increase of occupational disability	Issue 2: Reasonableness of surgical procedure (Preauthorization)	
Issue 3:	Issue 4:	

Filed by: PLTF	Post/Pre Awd or Settlement: Pre-Claim	Amt. of Controversy: \$1000 (about)
UR applicable? No	UR criteria: Compensability	Did UR occur? No
Outcome:		
Comments: Form 112 does not provide any UR information		
Issue 1: Work-relatedness- notes in chiropractor's file indicate that the problem resurfaced when PLTF was chopping down a tree, about a year after a 1995 injury (PLTF argues that it is an exacerbation of 1995 injury)	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy:
UR applicable? Yes	UR criteria: 30 days off	Did UR occur? Not sure
Outcome: None - request more information		
Comments: In rights of appeal given - Name of UR company not given		
Issue 1: Causation/relatedness of chiropractic care rendered 8 years after accident	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post	Amt. of Controversy: 850.
UR applicable? Can't determine from file	UR criteria: Unknown	Did UR occur? No
Outcome: Sustain MTR - Employee/med provider have 20 days to establish case of work-relatedness. Otherwise an order will be entered finding them non-compensable		
Comments:		
Issue 1: Reasonableness of second MRI only 2 months after 1st (actually 3rd because one taken in 1995)	Issue 2:	
Issue 3:	Issue 4:	

DE = defendant-employer, MFD = medical fee dispute, MTR = motion to reopen, PLTF = plaintiff, PT = physical therapy

Filed by: DE	Post/Pre Awd or Settlement: Post Sett	Amt. of Controversy: 4358.50 total - 3614.50 + 744.
UR applicable? Yes	UR criteria: \$3,000	Did UR occur? No
Outcome: DE given 30 days to file additional proof concerning reasonableness & necessity		
Comments: Adjuster did not authorize or send to UR but sent to another Dr to determine reasonableness & necessity		
Issue 1: MTR to contest meds	Issue 2:	
Issue 3:	Issue 4:	

Filed by:	Post/Pre Awd or Settlement:	Amt. of Controversy:
UR applicable?	UR criteria:	Did UR occur? No
Outcome:		
Comments: UR not done, used IME from Dr, Denied pending receipt of appropriate medical documentation supporting necessity, 1st request for injections last fall. ALJ ordered submission of med records supporting injections. Response filed 4/97, no records.		
Issue 1: Reasonableness & necessity of proposed epidural injections	Issue 2:	
Issue 3:	Issue 4:	

Filed by: DE	Post/Pre Awd or Settlement: Post Sett	Amt. of Controversy: 4,377.16
UR applicable? Yes	UR criteria: \$3,000	Did UR occur? Yes
Outcome: Quality of UR report: Good lengthy explanation, no physician license no. or state, No appeal rights in report		
Comments: 1. Insurance carrier got an IME first on work-relatedness 2. Sent to UR on work-relatedness & appropriateness; UR Opinion - While treatment is reasonable for area of spine being treated, area being treated is not area injured		
Issue 1: Payment of meds	Issue 2: Whether treatment is related to original injury, treatment was done before UR sought	
Issue 3:	Issue 4:	

Filed by: Medical provider	Post/Pre Awd or Settlement: Pre Award	Amt. of Controversy: 2041.20
UR applicable? No ?	UR criteria: ?	Did UR occur? No
Outcome: Dismissed		
Comments:		
Issue 1: Appropriate application of multiple procedure modifier 51	Issue 2:	
Issue 3:	Issue 4:	