

STATE OF WISCONSIN



Department of Workforce Development

Health Cost Disputes

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Health Cost Dispute Specialists

Health Cost Disputes

- **What is a health cost dispute resolution?**
 - Insurers are responsible for covering reasonable and necessary medical expenses.
 - The resolution process resolves medical payment or necessity disputes between a health care provider and an insurer.
 - Dispute resolution requests are initiated by the health care provider.
 - There are three types of disputes.





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Health Cost Disputes

- **Reasonableness of Fee (Form WKC-9498)**
- **Necessity of Treatment (Form WKC-9380)**
 - Independent Review (Section 1)
 - Request for a Default Order (Section 2)



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Generalities

- Covered under Wis. Stat. §102.16(2) and (2m)
- Covered under Wis. Admin. Code Ch. DWD 80.72 and 80.73
- Wis. Admin. Code Ch. DWD 81 for use by experts in rendering opinions to resolve necessity of treatment disputes
- Health Cost Dispute Unit resolves disputes without requiring a hearing



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Pre-Dispute Billing

- **FAQ: Is there a timeframe in which a provider must submit a bill to the insurer?**
 - There is no timeframe in s. 102.16, Wis. Stats., or DWD 80.72 and 80.73, for a bill to be submitted to an insurer.
 - Claims have a statute of limitations of 6 or 12 years [s. 102.17(4)].
 - However, **upon an insurer's request** for a complete itemized billing statement, the health care provider must submit it within 30 days of the request.



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Health Cost Dispute Application

- **MUST INCLUDE:**
 - Health Cost Dispute Application Form (WKC-9498 or WKC-9380)
 - Health insurance claim forms
 - Medical notes
 - All correspondence related to the dispute
- **MAY INCLUDE:**
 - Explanation of Benefits/Explanation of Review, if received
 - Any additional supporting documentation



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True or False

- When you receive a copy of the provider's application packet or the department's dispute notice letter, you might have questions on the charges in dispute.
- You should **NOT** contact the health care provider if you have specific questions regarding the health cost dispute.
 - True or False?



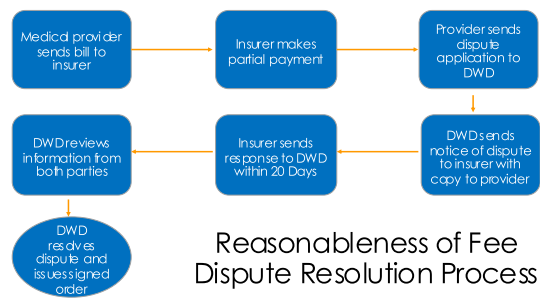
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Answer

- **FALSE** – you are encouraged to contact the health care provider if you have specific questions regarding the health cost dispute.
- The provider and insurer are encouraged to resolve the dispute on their own outside of the health cost dispute resolution process, even after a dispute resolution request has been submitted.
- The Division's process is here to resolve any dispute that cannot be resolved by the two parties.



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Reasonableness of Fee Dispute Resolution Process



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Reasonableness of Fee Dispute

- **REASONS TO FILE:**
 - Insurer does not name the certified database used for pricing
 - Evaluation and management code is "down coded"
 - Disputed case was more difficult or more complicated than seen in usual cases
 - Insurer denies the code as being routine and integral to the separately billed procedures
 - Charges denied because they were included in a separately billed service
 - Disputed pharmacy fees



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Answer to Reasonableness of Fee

- **MUST INCLUDE:**
 - The state-certified database used for reimbursement
- **MAY INCLUDE:**
 - Copies of any prior correspondence relating to the fee dispute
 - An explanation as to why the service provided is not more difficult or more complicated than what is usually expected



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Certified Databases

EQUIAN DBA OPTUM PO Box 240338 Montgomery, AL 36124 Contact: Glen Boyle Phone: 800-485-8164	FAIR HEALTH, INC. 530 Fifth Avenue, 18 th Floor New York, NY 10036 Contact: Chris Watson cwatson@fairhealth.org Phone: 800-373-3073
RISING MEDICAL SOLUTIONS, INC. 325 N. LaSalle St., Ste 600 Chicago, IL 60654 Email: info@risingmed.com Phone: 312-559-8450	WHA INFORMATION CENTER PO Box 259038 Madison, WI 53725-9038 Contact: Brian Compelente bcompelente@wha.org Phone: 608-274-1820



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Question



Which certified database have you worked with most frequently?

- 1. FAIR Health, Inc.
- 2. WHA Information Center
- 3. Rising Medical Solutions, Inc.
- 4. Equian dba Optum
- 5. None of the above



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Certified Databases

FAIR HEALTH, INC.

- 1. Professional Fee (CPT/HCPCS)
- 2. Hospital Outpatient Facility Fee

EQUIAN

- 1. Ambulatory Surgery Center (ASC)
- 2. Hospital Outpatient Facility Fee
- 3. Hospital Inpatient (DRG)
- 4. Emergency Room Facility Fee
- 5. Professional Fee (CPT/HCPCS)
- 6. Anesthesia
- 7. Hospital Radiology

WHA INFORMATION CENTER

- 1. Hospital Outpatient Facility Fee
- 2. Hospital Inpatient (DRG)
- 3. Hospital Radiology
- 4. Inpatient Radiology
- 5. Emergency Department Radiology
- 6. Other Radiology (Ancillary Services)

RISING MEDICAL SOLUTIONS, INC.

- 1. Ambulatory Surgery Center (ASC)
- 2. Hospital Outpatient Facility Fee
- 3. Professional Fee (CPT/HCPCS)



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Certified Databases

- For their database to be certified, database providers must submit an annual application. They update their databases every January and July.
- Databases are not open for public inspection and copying; the radiology database is the exception.
- A formula amount is the mean fee for a procedure plus 1.2 standard deviations from that mean.



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Certified Databases

- A fee is determined reasonable if it is at or below the certified formula amount (25 or more occurrences) for procedure code, unless services provided are more difficult or complicated than usual cases.
- If the database subscribed to by insurer is unable to provide accurate information for procedure in dispute, the Division may use any other information considered reliable and relevant to resolve dispute.



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Fee Resolution Example 1

- Provider Charged At or Below Certified Formula Amount – a Reasonable Fee

Code	Charge	Insurer Uses Optum	Certified Formula Amount	Amount Due
11222	\$100	\$75	\$120	\$25

- \$100 < \$120; provider charged reasonable fee
- Amount due is the lesser of charged or certified formula amount
- Insurer is ordered to pay \$25 balance
- Wis. Stats. §102.16(2)(d)



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Fee Resolution Example 2

- Provider Charged Above Certified Formula Amount

Code	Charge	Insurer Uses Optum	Certified Formula Amount	Amount Due
22333	\$200	\$175	\$180	\$5

- \$200 > \$180; provider charged above certified formula amount
- Amount due is the lesser of charged or certified formula amount
- Insurer is ordered to pay \$5
- Wis. Stats. §102.16(2)(d)



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Fee Resolution Example 3

• No Certified Formula Amount (25+ occur.) in Database

Code	Charge	Insurer Uses Equian	Certified Formula Amount	Amount Due
44555	\$375	\$200	None	\$175

- Fee charged by provider is considered reasonable; insurer is ordered to pay charged amount
- Also applies if insurer does not respond to notice letter or does not provide certified database used for pricing
- Wis. Stats. §102.16(2)(c)



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Database Use

• **Provider vs. Insurer use of databases**

- Insurers are to provide a certified formula amount which shows the provider's charge is unreasonable. [DWD 80.72(4)(d)2]
- Fee disputes are resolved based on the database the insurer uses, not the database the provider uses.
- The Department does not determine whether a valid PPO or other such contract exists, the terms of any contract, or whether a specific situation is subject to a PPO-type contract.



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Pharmacy/NDC Charges

- A pharmacy fee schedule is established that limits charges for outpatient use of prescription drugs to the average wholesale price plus a \$3.00 dispensing fee and applicable state and federal taxes per Wis. Stats. §102.425.
- The Division consults the online REDBOOK® pharmacy reference to resolve pharmacy fees in dispute.



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Necessity of Treatment

• Two types of Necessity of Treatment disputes (Form WKC-9380)

- Request for a Default Order
- Independent Review



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Necessity of Treatment Dispute: Default Order

• REASONS TO FILE:

- Insurer fails to notify provider within 60 days of receiving bill that their liability or extent of liability for the worker's compensation claim is in dispute
- Insurer fails to pay the bill or to give provider notice within 60 days of the bill, explaining why the treatment was not medically necessary



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Answer to Necessity of Treatment Dispute: Default Order

• MAY INCLUDE:

- Prior correspondence not included in provider's application
- Explanation of Benefits/Explanation of Review
- Denial letter
- Any additional supporting documentation not included in provider's application



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Necessity of Treatment Dispute:
Independent Review

• REASON TO FILE:

- Insurer denies payment of billed charges as treatment provided is deemed medically unnecessary.
- This is not a determination of liability.



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Answer to Necessity of Treatment Dispute:
Independent Review

• MUST INCLUDE:

- Name of organization and credentials of any individual whose review of the case has been relied upon in reaching the decision to deny payment
 - Medical Record Review
 - Independent Medical Evaluation
- Prior correspondence not filed by provider



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Necessity of Treatment Dispute:
Independent Review

RESOLUTION PROCESS

- Provider submits dispute application within 9 months from date provider receives notice from insurer refusing to pay due to medical necessity at issue
- Department notifies insurer of dispute (GL92)
- Insurer responds within 20 days
- File is sent to reviewer
- Reviewer completes review within 90 days
- 30-day rebuttal period
- No rebuttal? Department adopts the expert's opinion and issues signed order



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Responding to All Disputes

- Respond in a timely manner (within 20 days) by fax or mail
- Copy of your response MUST be sent to provider
- Include contact name and information
- Include narrative explaining why and how charges were reimbursed or why decision was made to deny payment and EOR



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Responding to All Disputes

- If WC claim is denied based on medical evidence, please send copy of medical evidence (IME, Record Review, etc.) or denial letter sent to employee
- If an IME/denial has been filed on the claim side, it still needs to be faxed to the DWD Health Cost Dispute Unit as a response



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Health Cost Disputes

The Health Cost Dispute Unit does not:

- Report or reprimand a clinic or individual provider for billing practices or errors
- Direct a provider to file fewer health cost dispute resolution requests, although providers are encouraged to consolidate disputes for each patient/claimant



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Health Cost Disputes (cont.)

- The Health Cost Dispute Unit does not:
- Resolve issues of liability
- Determine whether a valid PPO or other such contract exists, the terms of any contract, or whether a specific situation is subject to a PPO-type contract (Reasonableness of Fee disputes)



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Questions?

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