



# Medical Fee Service eNews

3rd Quarter 2021

Virginia Workers' Compensation Commission  
Office of Medical Fee Services

Robert A. Rapaport, Chairman  
Wesley G. Marshall, Commissioner  
R. Ferrell Newman, Commissioner  
Evelyn V. McGill, Executive Director

Dr. Drema M. Thompson  
MFS Manager

[Email](#) | p. 877-664-2566



## From the MFS Desk

Provider and Payers: Your Concerns/Our Answers

### Q. I have an inpatient bill with room and board for a nursing home. Is there a fee schedule for skilled nursing facilities?

**Answer:** Reimbursement for rehabilitation hospital stays shall be as set forth in a contract under which the provider has agreed to accept a specified amount in payment for the service provided. In the absence of such a contract, the maximum fee for rehabilitation admissions shall be determined on a per diem basis, and the same per diem rate shall apply for all days of the stay based on the maximum per diem fees listed in Tables C and D of the MFS. For additional information please refer to the [Ground Rules Document](#).

### Q. The Medical Fee Services Department issued a Medical Fee Schedule Administrative Determination; however, the payer has not issued additional payment. What action can I take?

**Answer:** The medical fee schedule administrative determination process defines the employer' maximum liability when a dispute arises for fee scheduled medical services ordered by the Commission; however, is not an order to pay. Should reimbursement for the medical services continue to be disputed, providers or payers may seek to resolve the dispute Judicially.

### Q. I received a Request for Response to a medical fee dispute and provided a verbal update that payment was being issued, why is additional information being requested?

**Answer:** The Medical Fee Services department will continue processing medical fee dispute submissions until either confirmation of payment, negotiated agreement, or withdrawal is received.

### Q. On a medical fee dispute filed by an attorney, can a carrier file a response or is an attorney required to file a response on behalf of the carrier?

**Answer:** An attorney is not required to file an MFS Administrative dispute or response to a dispute.



## Regulatory Focus

65.2-605(D) The Commission shall review Virginia fee schedules during the year that follows the transition date and biennially thereafter and, if necessary, adjust the Virginia fee schedules in order to address (i) inflation or deflation as reflected in the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U) for the South as published by the Bureau of Labor Statistics of the U.S. Department of Labor; (ii) access to fee scheduled medical services; (iii) errors in calculations made in preparing the Virginia fee schedules; and (iv) incentives for providers.



## Did You Know?

- ❖ Modifiers augment CPT/HCPCS codes to describe the circumstances of medical services more accurately provided. A modifier means a two-digit value attached to a CPT/HCPCS code that allows the reporting provider to indicate that a service or procedure that has been performed has been altered due to a specific circumstance such as the following. Reimbursement for medical treatment described by modifiers may be based on a defined maximum fee amount or a percentage of billed charge as follows:
  - A prolonged E&M service, as identified by the presence of **modifier 21** on the claim line, shall be reimbursed at 125 percent of the maximum fee appearing in the MFS.
  - An unusual procedure, as identified by the presence of **modifier 22** on the claim line, shall be considered By Report.
  - A nurse practitioner or physician assistant serving as an assistant-at-surgery, as identified by the presence of **modifier AS** on the claim line, shall be reimbursed at 20 percent of the of the amount due to the primary physician performing the surgery. In order to determine the maximum fee, the bill for the primary physician must be included in the dispute request.

Please review the [Ground Rules Document](#) for an additional listing of medical fee schedule modifiers and the applicable maximum fee or percentage of billed charge.



## MFS Educating the Public

- The approved [2022 Medical Fee Schedule Update](#) has been uploaded to the Commission's website and a summary of all applicable changes.
- Reminder historical fee schedules are listed on the Commission's website. Please review the dates of service in order to ensure you are retrieving the correct maximum fees.
- Save the Date: The Medical Fee Services Department will present an update to the Medical Fee Schedule and Administrative Dispute Resolution processes during the Virginia Workers' Compensation Commission's [Virtual Educational Conference & Exhibition](#) on September 14-16, 2021.

For inquiries related to the Medical Fee Schedule, Ground Rules, or Biennial Review, you may contact us by [email](#).