

ADVISORY NO. 359
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TOPIC: TWCC 2003-11
CONFLICTS IN MEDICARE POLICIES AND MFG

Advisory 2003-11 clarifies an apparent conflict in the Insurance Code and the 2002 *Medical Fee Guidelines*. Although Medicare policies do control with respect to setting fees for units of service, the Medicare policies do not prescribe or limit the treatment considered to be medically necessary under the Workers' Compensation Act. The absence of a reimbursement code does not mean that the service is not reasonable and necessary.

Health care providers should be reimbursed in accordance with Medicare payment policies for the most similar practitioner type (e.g., an LPC would be reimbursed at the rate payable for a clinical psychologist billing the same CPT code).

Furthermore, carriers may not discriminate against providers based upon licensure. That is separately prohibited under the Texas Insurance Code.

A full copy of TWCC Advisory 2003-11 is attached.