



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

AETNA LIFE INSURANCE COMPANY

Respondent Name

NEW HAMPSHIRE INSURANCE CO

MFDR Tracking Number

M4-09-6907-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

March 17, 2009

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "A data match was performed with the Division of Workers' Compensation and a match was received by MRM on the above worker's compensation case on 11/14/06. Therefore, this case is 'grandfathered' under 409.091(s) [sic] – meaning 409.0091 applies to this case in all regards, *except* the case is exempted from the time limits for filing a request for reimbursement so long as a request for reimbursement or subclaim is filed between September 1, 2007 and March 1, 2008."

Amount in Dispute: \$282,725.51

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The carrier in this instance indicated in January 2008 that it does NOT have the medical records associated with the outstanding bills and that it needs them to accurately audit the bills and pay according to the less of the Fee Guidelines allowance or the amount that the health care insurer actually paid."

Response Submitted by: Flahive, Ogden & Latson

SUMMARY OF FINDINGS

Date(s) of Service	Disputed Service(s)	Amount In Dispute	Amount Due
November 4, 2005 through April 30, 2006	Facility and Professional Services	\$282,725.51	\$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. Texas Labor Code §409.0091 sets out the reimbursement procedures for health care insurers.
2. Texas Labor Code §409.0091(s) sets out an exception for reimbursement for services provided to injured employees with dates of injury prior to September 1, 2007.

Issues

1. Did the health care insurer meet the applicable requirements of Texas Labor Code §409.0091?

