



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
512-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

CHRISTINE L. TRUITT, MD, PhD

Respondent Name

TEXAS MUTUAL INSURANCE CO

MFDR Tracking Number

M4-10-5111-02

Carrier's Austin Representative

Box Number 54

MFDR Date Received

AUGUST 6, 2010

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "I am writing to protest a decision made by Texas Mutual Insurance denying payment on an electromyogram (EMG) and nerve conduction velocities (NCV) plus a follow-up office visit because 'The treatment/service has been determined to be unrelated to the extent of injury. Final adjudication has not taken place'...It is my professional opinion that my findings of a cervical radiculopathy (723.4) and carpal tunnel syndrome (354.0) are directly related to his work-related injury."

Amount in Dispute: \$660.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Texas Mutual filed a PLN-11 disputing the results of the EMG/NCV testing right carpal tunnel syndrome and cervical radiculopathy, and filed it 7/7/10. (Exhibit) For this reason Texas Mutual believes no payment is due for testing unrelated to the compensable injury."

SUMMARY OF FINDINGS

| Dates of Service | Disputed Services | Amount In Dispute | Amount Due |
|------------------|--------------------------------|-------------------|------------|
| May 5, 2010 | CPT Code 99214 Office Visit | \$115.00 | \$0.00 |
| | CPT Code 95860 EMG | \$185.00 | \$0.00 |
| | CPT Code 95900 NCV | \$180.00 | \$0.00 |
| | CPT Code 95904 NCV | \$180.00 | \$0.00 |
| TOTAL | | \$660.00 | \$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. 28 Texas Administrative Code §133.305 sets forth general provisions regarding dispute of medical bills.

2. 28 Texas Administrative Code §133.307, effective May 25, 2008 sets out the procedures for resolving a medical fee dispute.
3. 28 Texas Administrative Code §141.1 sets out the procedures for requesting and setting a Benefit Review Conference.
4. EOBs submitted with the requestor's dispute indicate the respondent has raised issues of Compensability, Extent, and/or Liability.

Issues

1. Has the compensability/liability/extent of injury issue been resolved?
2. Is the requestor entitled to reimbursement?

Findings

1. According to 28 Texas Administrative Code §133.305(a)(4), a medical fee dispute as a dispute that involves an amount of payment for non-network health care rendered to an injured employee (employee) that has been determined to be medically necessary and appropriate for treatment of that employee's compensable injury. 28 Texas Administrative Code §133.305(b) goes on to state that "If a dispute regarding compensability, extent of injury, liability, or medical necessity exists for the same service for which there is a medical fee dispute, the disputes regarding compensability, extent of injury, liability or medical necessity shall be resolved prior to the submission of a medical fee dispute for the same services in accordance with Labor Code §413.031 and 408.021."

The August 17, 2010 Contested Case Hearing Decision and Order finds that "The Claimant's compensable injury of June 6, 2008 does not extend to include right carpal tunnel syndrome and cervical radiculopathy at C5-6 and C6-7." The Division concludes that the compensability/liability/extent of injury issue has been resolved.

2. A review of the submitted medical records finds that the disputed services were for treatment of the right carpal tunnel syndrome and cervical radiculopathy; therefore the treatments in dispute were rendered for an injury which has been found not compensable according to the August 17, 2010 Contested Case Hearing Decision and Order as discussed above. The requestor rendered health care to this injured employee for the non-compensable carpal tunnel syndrome and cervical radiculopathy; therefore, no reimbursement can be recommended for the services in dispute

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

05/16/2014
Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute may appeal this decision by requesting a contested case hearing. A completed **Request for a Medical Contested Case Hearing** (form **DWC045A**) must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party.**

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.