



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

HEALTHTRUST, LLC

Respondent Name

HOUSTON ISD

MFDR Tracking Number

M4-12-0569-01

Carrier's Austin Representative

Box Number 44

MFDR Date Received

OCTOBER 21, 2011

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "only after treating the patient for 17 preauthorized dates of service, did HealthTrust find out that the carrier had reached a cash settlement with the patient and mutually agreed that all future medical bills would be the patient's responsibility. The patient never mentioned this to HealthTrust or their treating doctor."

Amount in Dispute: \$35,372.50

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The claimant has reached a third-party settlement in this case. Despite Respondent's efforts to obtain the amounts of the settlement, the claimant and her attorney have refused to disclose the amount of this settlement...Until the claimant discloses the settlement amounts, the Carrier cannot calculate the amount it was owed or the amount of the credit outstanding. The claimant needs to demonstrate that the Carrier has been paid for their lien amount and that any credit has been exhausted."

Response Submitted by: Thornton, Biechlin, Segrato, Reynolds & Guerra, L.C.

SUMMARY OF FINDINGS

Table with 4 columns: Dates of Service, Disputed Services, Amount In Dispute, Amount Due. Row 1: January 17, 2011 Through September 2, 2011; CPT Code 97799-CP Chronic Pain Management Program; \$35,372.50; \$0.00

FINDINGS AND DECISION

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

Background

- 1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. Texas Labor Code §417.002 outlines the process for recovery in third-party settlements.

3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
- 215-Based on subrogation of a third party settlement.
  - 193-Original payment decision is being maintained. This claim was processed properly the first time.
  - Refer to Workers' Compensation jurisdictional disclaimer; paragraph (38) on reverse.
  - 216-Based on the findings of a review organization.
  - W1-Workers compensation state fee schedule adjustment.

**Issues**

Is the insurance carrier's reason for denial of payment supported?

**Findings**

The insurance carrier denied disputed services with claim adjustment reason code "215."

Texas Labor Code §417.002(a-c), RECOVERY IN THIRD-PARTY ACTION states

The net amount recovered by a claimant in a third-party action shall be used to reimburse the insurance carrier for benefits, including medical benefits, that have been paid for the compensable injury. (b) Any amount recovered that exceeds the amount of the reimbursement required under Subsection (a) shall be treated as an advance against future benefits, including medical benefits, that the claimant is entitled to receive under this subtitle. (c) If the advance under Subsection (b) is adequate to cover all future benefits, the insurance carrier is not required to resume the payment of benefits. If the advance is insufficient, the insurance carrier shall resume the payment of benefits when the advance is exhausted.

The Division reviewed the submitted documentation and finds:

- No documentation was submitted to refute the explanation of benefits/carrier's position that the service in dispute are subject to payment from a third-party settlement; and
- No documentation was found to support that the net amount recovered in the settlement was exhausted.

The Division concludes that the requestor has failed to support that the disputed services are eligible for medical fee dispute resolution pursuant to 28 Texas Administrative Code §133.307.

**Conclusion**

For the reasons stated above, the Division finds that the requestor has not established that reimbursement is due. As a result, the amount ordered is \$0.00. The Division emphasized that individual medical fee dispute outcomes rely upon the evidence presented by the requestor and respondent during dispute resolution. Even though all the evidence was not discussed, it was considered.

***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

07/23/2015  
\_\_\_\_\_  
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 MFDR 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 this *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.**