



# 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](http://www.tdi.texas.gov)

### MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

#### GENERAL INFORMATION

**Requestor Name**

UNIVERSITY HEALTH SYSTEM

**Respondent Name**

OLD REPUBLIC GENERAL INSURANCE

**MFDR Tracking Number**

M4-15-0991-01

**Carrier's Austin Representative**

Box Number 44

**MFDR Date Received**

November 24, 2014

#### REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary:** Requestor did not provide a position statement.

**Amount in Dispute:** \$96,509.57

#### RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** "Please let this serve as the Carrier's Response to University Health System's Medical Fee Dispute Resolution Request ("Request") for dates of service September 9, 2013 – September 16, 2013. Initially, it should be noted that the Medical Fee Dispute Resolution ("MFDR") Request was not filed until November 24, 2014. This filing was more than one year following the dates of service. Pursuant to Commissioner's Rule 133.307, a Requestor waives the right to Medical Fee Dispute Resolution by failing to file the dispute within one year.

Absent an exception, a finding of waiver of the right to seek MFDR is automatic when the Requestor fails to file within one year. 28 T.A.C. 133.307 (c)(1). None of the exceptions set forth in Commissioner's Rule 133.307 (c)(1)(B) apply to the case at bar. The Carrier has not filed any compensability, extent of injury or liability disputes. These dates of service relate to the initial treatment for the injury, and compensability of the claim was never denied."

**Response Submitted by:** Ayers & Ayers

#### SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
September 09, 2013 to September 16, 2013	Inpatient Hospital Services	\$96,509.57	\$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**

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- The services in dispute were reduced/denied by the respondent with the following reason codes:
  - 16 – Claim/service lacks information which is needed for adjudication

- BL – To avoid duplicate bill denial

**Issue**

1. Did the requestor waive the right to medical fee dispute resolution?

**Findings**

1. 28 Texas Administrative Code §133.307(c)(1) states: "Timeliness. A requestor shall timely file the request with the division's MFDR Section or waive the right to MFDR. The division shall deem a request to be filed on the date the MFDR Section receives the request. A decision by the MFDR Section that a request was not timely filed is not a dismissal and may be appealed pursuant to subsection (g) of this section. (A) A request for MFDR that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute." The date of the services in dispute is September 09, 2013 to September 16, 2013. The request for medical dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) section on November 24, 2014. This date is later than one year after the date(s) of service in dispute. Review of the submitted documentation finds that the disputed services do not involve issues identified in §133.307(c)(1)(B). The Division concludes that the requestor has failed to timely file this dispute with the Division's MFDR Section; consequently, the requestor has waived the right to medical fee dispute resolution.

**Conclusion**

The Division finds that the requestor has waived the right to medical fee dispute resolution for the services in dispute, as addressed in 28 Texas Administrative Code §133.307(c)(1) and (c)(1)(A). For that reason, the merits of the issues raised by the parties to this dispute have not been addressed.

**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 services in dispute.

**Authorized Signature**

		3/13/15
Signature	Medical Fee Dispute Resolution Officer	Date

		3/13/15
Signature	Medical Fee Dispute Resolution Manager	Date

**YOUR RIGHT TO APPEAL**

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request 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 §141.1(d).

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