



**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**

SPINE AND PAIN CENTER OF SAN ANTONIO  
DENNIS E. KARASEK, MD

**Respondent Name**

AMERICAN HOME ASSURANCE CO

**MFDR Tracking Number**

M4-15-3608-01

**Carrier's Austin Representative**

Box Number 19

**MFDR Date Received**

JULY 2, 2015

**REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** "I also explained that procedure codes L8680 were payable on the date of service as per the Medicare fee schedule; therefore the services should have paid. Additionally I noted that the procedure was noted on paragraph 1 on page 2 of the medical records. And I gave a brief description as to how the procedure was worded to indicate two procedures were performed."

**Amount in Dispute:** \$27,648.00

**RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** "Supplemental response will be provided one the bill auditing company has finalized their review."

**Response Submitted by:** Gallagher Bassett

**SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
January 8, 2014	HCPCS Code L8680 (X2)	\$27,648.00	\$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**

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- 28 Texas Administrative Code §134.203, effective March 1, 2008, sets the reimbursement guidelines for the disputed service.
- 28 Texas Administrative Code §134.1, effective March 1, 2008, 33 *Texas Register* 626, provides for fair and reasonable reimbursement of health care in the absence of an applicable fee guideline.
- Texas Labor Code §413.011 sets forth provisions regarding reimbursement policies and guidelines.
- The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
  - B12-Services not documented in patients medical records.
  - 16-Claim/service lacks information or has submission/billing error(s) which is needed for adjudication.

- P12-Workers' compensation jurisdictional fee schedule adjustment.
- 193-Original payment decision is being maintained. Upon review, it was determined that his claim was processed properly.
- W3-Request for reconsideration.
- BL-This bill is a reconsideration of a previously reviewed bill, allowance amounts do not reflect previous payments.

**Issue**

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

**Findings**

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 January 8, 2014. The request for medical dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) section on July 2, 2015. 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 disputed services.

**Authorized Signature**

Signature	Medical Fee Dispute Resolution Officer	08/26/2015 Date
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**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.**