



# 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**

Nueva Vida Behavioral Health and Associates

**Respondent Name**

Insurance Co of the State of PA

**MFDR Tracking Number**

M4-16-2507-01

**Carrier's Austin Representative**

Box Number 19

**MFDR Date Received**

April 19, 2016

#### REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary:** "The psychological interventions are necessary to address non-compliance with the treatment plan, and/or the psychological, behavioral, emotional, cognitive, or social factors associated with a newly diagnosed medical condition or an exacerbation of an expression and health promoting behaviors. These sessions do not require pre-authorization and were necessary to help the client."

**Amount in Dispute:** \$120.00

#### RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** "This claim did not involve any extent of injury, compensability or liability disputes to this date of service; therefore this medical fee dispute should be dismissed on the grounds that it was not filed timely per the Statute."

**Response Submitted by:** AIG, 4100 Alpha Road, Suite 800, Dallas, TX 75244

#### SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
April 10, 2015	96152	\$120.00	\$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**

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- 28 Texas Administrative Code §133.305 sets our general guidelines for medical dispute resolution.
- The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
  - 1 – The diagnosis is inconsistent with the procedure
  - 2 – The procedure or service billed is rarely, if ever, performed for the conditions for which the patient is being treated.

- 1 – Unnecessary medical treatment and or service per peer review documentation attached

### Issues

1. Did the medical fee dispute referenced above contain information/documentation that indicates that there are **unresolved** issues of medical necessity?
2. What is the dispute process for resolving medical necessity denials?
3. What is the dispute sequence?
4. What are the filing requirements after the resolution of a medical necessity denial?
5. Are the disputed services eligible for review by Medical Fee Dispute Resolution?

### Findings

1. The medical fee dispute referenced above contains information/documentation that indicates that there are **unresolved** issues of medical necessity for the claim with date of service April 10, 2015 for which there is a medical fee dispute. Review of the EOBs presented by the both the requestor and respondent indicate denial reason code(s) “1 – Unnecessary medical treatment and or service per peer review documentation attached.”
2. **Resolution of a Medical Necessity Dispute.** The Division hereby notifies the requestor the appropriate process for resolution of an unresolved issue of medical necessity requires filing for an independent review to be conducted by an IRO (independent review organization) appropriately licensed by the Texas Department of Insurance, pursuant to 28 Texas Administrative Code §133.308. Information applicable to HEALTH CARE PROVIDERS on how to file for an IRO may be found at [http://www.tdi.texas.gov/hmo/iro\\_requests.html](http://www.tdi.texas.gov/hmo/iro_requests.html) under **Health Care Providers or their authorized representatives.**
3. **Notice of Dispute Sequence.** 28 Texas Administrative Code §133.305(b) requires that “If a dispute regarding...medical necessity exists for the same service for which there is a medical fee dispute, the disputes regarding...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.
4. The medical fee dispute may be submitted for review as a new dispute that is subject to the requirements of 28 Texas Administrative Code §133.307. 28 Texas Administrative Code §133.307 (c)(1)(B) provides that a request for medical fee dispute resolution may be filed not later than 60 days after a requestor has received the final decision, inclusive of all appeals.
5. 28 Texas Administrative Code §133.307(f) (3) states in pertinent part, “The medical fee dispute may be submitted for review as a new dispute that is subject to the requirements of this section.” Nueva Vida Behavioral Health and Associates has the right to submit a new medical fee dispute after the medical necessity issue is resolved. Nueva Vida Behavioral Health and Associates is responsible for filing for medical fee dispute not later than 60 days after the date the requestor receives the final Division decision. The 60-day filing requirement described in 28 Texas Administrative Code §133.307(c)(1)(B)(i) replaces the one-year filing deadline in those cases where a final decision regarding medical necessity is made. The division finds that due to the unresolved medical necessity issues, the medical fee dispute request for date of service April 10, 2015 is not eligible for review until a final decision has been issued in accordance with 28 Texas Administrative Code §133.308

### 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 additional reimbursement for the services in dispute.

**Authorized Signature**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

\_\_\_\_\_  
April , 2016  
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, 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 MFDR 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.**