



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

DALLAS TESTING INC.

Respondent Name

NEW YORK MARINE AND GENERAL INSURANCE

MFDR Tracking Number

M4-19-0704-01

Carrier's Austin Representative

Box Number 17

MFDR Date Received

October 9, 2018

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "All necessary and supporting documentation is included with this Reconsideration to properly justify/support the administered treatment still needing to be paid... We are requesting that you process these claims without classifying them as duplicate billing."

Amount in Dispute: \$268.05

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Provider has waived its right to MDR. This request for medical dispute resolution should be dismissed because it was not filed within one year of the dates of service. The dates of service are May 10 through September 20, 2017. This request was filed on October 9, 2018... Assuming arguendo that Provider is attempting to meet one of the exceptions, the only exception that could possibly apply is 133.3007[sic] (c)(1)(B)(i)"

Response Submitted by: Hoffman Kelley Lopez LLP

SUMMARY OF FINDINGS

Table with 4 columns: Dates of Service, Disputed Services, Amount In Dispute, Amount Due. Row 1: May 10, 2017 through September 20, 2017, 97164-GP x 3, \$268.05, \$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. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:

Explanation of Benefit

- 216 – Based on the findings of a review organization
• T13 – Medical necessity denial. You may submit a request for an appeal/reconsideration no later than 10 months from the date of service

Issues

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

Findings

- 1. The requestor seeks reimbursement for medical services rendered on May 10, 2017 through September 20, 2017. 28 Texas Administrative Code §133.307(c) (1) states in pertinent part, "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 May 10, 2017 through September 20, 2017. The request for medical fee dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) Section on October 9, 2018. 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

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

January 11, 2019
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 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 prefieres hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.