



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

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

JORGE R. GUEVARA, MD

Respondent Name

TEXAS MUTUAL INSURANCE CO

MFDR Tracking Number

M4-19-4408-01

Carrier's Austin Representative

Box Number 54

MFDR Date Received

JUNE 7, 2019

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Based upon the second denial received, Texas Mutual DID NOT review the information provided nor did they adjust our claims to represent the correction from a 99214 down to a 99213. I clearly provided supporting documentation, my findings, and AMA CPT guidelines for the level of care in question."

Amount in Dispute: \$948.06

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "One year from disputed date 4/27/18 IS 4/27/19. The TDI/DWC date stamp lists the received date as 6/7/19 on the requestor's DWC-60 packet, a date greater than one year from 4/27/18. The requestor has waived its right to DWC MDR.M (Attachment) No payment is due."

Response Submitted by: Texas Mutual Insurance Co.

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
April 6, 2018	CPT Code 99214 Office Visit	\$420.00	\$0.00
April 27, 2018	CPT Code 99214 Office Visit	\$420.00	\$0.00
November 2, 2017	CPT Code 99213 Office Visit	\$70.06	\$0.00
November 2, 2017	CPT Code 99080 Report	\$38.00	\$0.00
TOTAL		\$948.06	\$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

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. The services in dispute were reduced / denied by the respondent with the following reason code:
 - CAC-150-Payer deems the information submitted does not support this level of service.
 - CAC-16-Claim/service lacks information or has submission/billing error(s) which is needed for adjudication.
 - CAC-W3, 350-In accordance with TDI-DWC rule 134.804, this bill has been identified as a request for reconsideration or appeal.
 - CAC-193-Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly.
 - CAC-18-Exact duplicate claim/service.
 - 224-Duplicate charge.
 - 225-The submitted documentation does not support the service being billed. We will re-evaluate this upon receipt of clarifying information.
 - 724-No additional payment after a reconsideration of services.
 - 736-Duplicate appeal. Network contract applied by Texas Star Network.
 - 890-Denied per AMA CPT code description for level of service and/or nature of presenting problems.

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 dates of service in dispute are November 2, 2017, April 6, 2018, and April 27, 2018. The request for medical dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) section on June 7, 2019. 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 for these services.

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 for those dates 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

Signature

Medical Fee Dispute Resolution Officer

07/03/2019

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 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.