



# 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 | F: (512) 804-4811 | (800) 252-7031 | TDI.texas.gov | @TexasTDI

### MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

#### GENERAL INFORMATION

**Requestor Name**

DOCTORS HOSPITAL AT RENAISSANCE

**MFDR Tracking Number**

M4-19-5108-01

**MFDR Date Received**

August 5, 2019

**Respondent Name**

CITY OF MCALLEN

**Carrier's Austin Representative**

Box Number 21

#### REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary:** "Per the denial reason listed on the explanation of review precertification/ authorization is absent... We rendered services on good faith based on the information that was exchanged and therefore are also requesting that our claim be reprocessed for payment."

**Amount in Dispute:** \$2,492.62

#### RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** "Preauthorization was required because the service was performed by a non-network provider. Respondent is a city that provides medical benefits by directly contracting with health care providers pursuant to Labor Code section 504.053(b). Employees are required to obtain healthcare through Respondent's healthcare network (the Network)... Request is not entitled to payment because preauthorization was required and was not obtained."

**Response Submitted by:** Stone Loughlin & Swanson

#### SUMMARY OF FINDINGS

Date(s) of Service	Disputed Service(s)	Amount In Dispute	Amount Due
May 20, 2019	69801 and G0463	\$2,492.62	\$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. Texas Labor Code Chapter 504 sets out the rights and responsibilities related to *Workers' Compensation Insurance Coverage for Employees of Political Subdivisions*.
2. Texas Labor Code Chapter 413 sets out the rights and responsibilities related to *Medical Dispute Resolution*.
3. 28 Texas Administrative Code §133.307 sets out the requirements for medical fee dispute resolution.

#### Issues

1. Does the requestor have the right to file for medical fee dispute resolution?
2. Did the requestor support its request for reimbursement?

## Findings

1. The respondent in this case asserts the following, "Respondent is a city that provides medical benefits by directly contracting with health care providers pursuant to Labor Code section 504.053(b). Employees are required to obtain healthcare through Respondent's healthcare network (the Network). ..."

Texas Labor Code Chapter 504 titled *Workers' Compensation Insurance Coverage for Employees of Political Subdivisions* authorizes health care providers to contract with intergovernmental risk pools. Specifically, Texas Labor Code Sec. 504.053(b) (2) states, in pertinent part:

If a political subdivision or a **pool** [emphasis added] determines that a workers' compensation health care network certified under Chapter 1305, Insurance Code, is not available or practical for the political subdivision or pool, the political subdivision or pool may provide medical benefits to its employees or to the injured employees of the members of the pool... (2) by directly contracting with health care providers or by contracting through a health benefits pool established under Chapter 172, Local Government Code.

The Division now considers whether the requestor has the right to file for medical fee dispute resolution in this case. The Division concluded that the injured employee is enrolled in a network pursuant to under Sec. 504.053. For this reason, Sec. 504.053 (c) (3) applies and states, in pertinent part:

If the political subdivision or **pool** [emphasis added] provides medical benefits in the manner authorized under Subsection (b) (2), the following do not apply... (3) Chapter 413, except for Section 413.042.

That is, rights granted, or provisions contained within Texas Labor Code Chapter 413 titled *Medical Dispute Resolution*, except for 413.042, **do not apply** to health care providers who provided services to an injured employee enrolled in a network. Therefore, Sec. 413.031 (c) which is the section that grants health care providers the right to file for medical fee dispute resolution does not apply. Consequently, the administrative process outlined in 28 Texas Administrative Code §133.307 titled *MDR of Fee Disputes*, established pursuant to Texas Labor Code Sec. 413.031(c), is not available to health care providers who rendered services to an injured employee enrolled in a network under Sec. 504.053(b)(2).

No documentation was found to support that the requestor had the right to file a medical fee dispute in this case. The Division finds that the requestor, has failed to demonstrate that it has the right to medical fee dispute pursuant to Texas Labor Code Sec. 413.031(c) and 28 Texas Administrative Code §133.307.

2. Section 504.053 titled *ELECTION* states in pertinent part, "(d) If the political subdivision or pool provides medical benefits in the manner authorized under Subsection (b)(2), the following standards apply: (3) the political subdivision or pool must have an internal review process for resolving complaints relating to the manner of providing medical benefits, including an appeal to the governing body or its designee and appeal to an independent review organization."

The Division finds that if the health care provider or facility is dissatisfied with the outcome of the 504-network audit process, the requestor may file an appeal with the governing body or its designee,

**Conclusion**

The requestor failed to support its request for reimbursement; as a result, the amount ordered is \$0.00. The Division emphasizes that individual medical fee dispute outcomes rely upon the evidence presented by the requestor and respondent during dispute resolution. Even though not all the evidence was discussed, it was considered.

**ORDER**

Based upon the documentation submitted by the parties, the Division has determined that the requestor does not have the right to medical fee dispute resolution pursuant to 28 Texas Administrative Code §133.307. For that reason, the amount ordered is \$0.00.

**Authorized Signature**

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
August 23, 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 **20** 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).