



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

MED-LOSS INC

Respondent Name

Zurich American Insurance Company

MFDR Tracking Number

M4-20-0624-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

November 5, 2019

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "In brief, the patient was seen for a designated doctor evaluation. Total fees as allowed by the Texas Fee Guideline were in the amount of \$650.00. However, to date we have not received payment from the carrier."

Amount in Dispute: \$650.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: Submitted documentation does not include a position statement from the respondent. Accordingly, this decision is based on the information available at the time of adjudication.

SUMMARY OF FINDINGS

Table with 4 columns: Dates of Service, Disputed Services, Amount In Dispute, Amount Due. Row 1: November 27, 2018, Designated Doctor Examination, \$650.00, \$650.00

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 (DWC).

Background

- 1. 28 Texas Administrative Code §133.240 sets out the procedures for payment or denial of a medical bill.
2. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
3. 28 Texas Administrative Code §134.250 sets out the fee guidelines for examinations to determine maximum medical improvement and impairment rating.
4. The documentation submitted to the DWC did not include explanations of benefits.

Issues

1. Did Zurich American Insurance Company (Zurich) respond to the medical fee dispute?
2. Did Zurich take final action on the bill for the service in question prior to the request for medical fee dispute resolution (MFDR)?
3. Is Med-Loss, Inc. entitled to reimbursement of the examination in question?

Findings

1. The Austin insurance carrier representative for Zurich is Flahive, Ogden & Latson. The representative received the copy of this medical fee dispute on November 13, 2019. If the DWC does not receive a response within 14 calendar days of the dispute notification, then the DWC may base its decision on the available information.¹

As of today, no response has been received from the insurance carrier or its representative. We will base this decision on the information available.

2. Med-Loss, Inc. is seeking reimbursement for a designated doctor examination to determine maximum medical improvement (MMI) and impairment rating (IR).

Med-Loss, Inc. argued that it had not received payment for medical bills submitted for the examination in question. Evidence supports that Med-Loss, Inc. submitted a bill for the examination to the insurance carrier or its agent on or about December 4, 2018.

The insurance carrier is required to take final action by paying, reducing, or denying the service in question not later than 45 days after receiving the medical bill. This deadline is not extended by a request for additional information.²

The greater weight of evidence presented to the DWC supports that a complete bill for the services in question was received by the insurance carrier or its agent. No evidence was provided to support that the insurance carrier took final action on the bill for the service in question.

3. The DWC finds that Med-Loss, Inc. is entitled to reimbursement for the examination in question because Zurich did not give a reason for not paying the billed amount.

The evidence supports that Dr. Mayorga performed an evaluation of MMI. The reimbursement for this examination is \$350.00.³

The submitted narrative report indicates that Dr. Mayorga performed an IR evaluation of the left upper extremity. The reimbursement for the evaluation of a musculoskeletal body area performed with range of motion is \$300.00.⁴

The total allowable reimbursement for this examination is \$650.00. This amount is recommended.

Conclusion

For the reasons stated above, the DWC finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$650.00.

¹ 28 TAC §133.307(d)(1)

² 28 TAC §133.240 (a)

³ 28 TAC §134.250(3)(C)

⁴ 28 TAC §134.250(4)(C)(ii)(II)(-a-)

ORDER

Based on the submitted information, pursuant to Texas Labor Code Section 413.031 and 413.019 (if applicable), the DWC has determined the requestor is entitled to additional reimbursement for the disputed services. The DWC hereby ORDERS the respondent to remit to the requestor \$650.00, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

| | | |
|-----------|--|-------------------------------|
| _____ | _____ Laurie Garnes _____ | _____ December 19, 2019 _____ |
| Signature | Medical Fee Dispute Resolution Officer | Date |

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with Rule §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 DWC within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the DWC 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. **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.