



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

MEDICAL EVALUATORS OF TEXAS

Respondent Name

North East Independent School District

MFDR Tracking Number

M4-20-1156-01

Carrier's Austin Representative

Box Number 55

MFDR Date Received

January 8, 2020

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The injured worker was scheduled for a Designated Doctor examination as per the HRG-04-TM-04 Directive to Order DD v.4.0 dated 05/17/2019 ... The complete/clean bill was submitted to the carrier for reimbursement on 06/18/2019 ... The carrier confirmed bill receipt on 09/13/2019 via email, but payment for this claim has not been received by MET."

Amount in Dispute: \$1,150.00

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: June 8, 2019, Designated Doctor Examination, \$1,150.00, \$1,150.00

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 §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.235 sets out the fee guidelines for examinations to determine extent of injury.
3. 28 Texas Administrative Code §134.250 sets out the fee guidelines for examinations to determine maximum medical improvement and impairment rating.
4. The documents submitted to the DWC for this dispute do not include explanations of benefits.

Issues

1. Did North East Independent School District respond to the medical fee dispute?
2. Did North East Independent School District take final action on the bill for the service in question prior to the request for medical fee dispute resolution (MFDR)?
3. Is Medical Evaluators of Texas entitled to reimbursement for the examination in question?

Findings

1. The Austin insurance carrier representative for North East Independent School District is Christopher Ameel Attorney @ Law. The representative received the copy of this medical fee dispute on January 16, 2020. If the DWC does not receive the 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. Medical Evaluators of Texas is seeking reimbursement for a designated doctor examination to determine maximum medical improvement, impairment rating, and extent of injury performed on June 8, 2019.

Medical Evaluators of Texas argued that it had not received payment or an explanation of denial for medical bills submitted for the examination in question.

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 service 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. Because the insurance failed to support any payment or denial of payment for the examination in question, Medical Evaluators of Texas is entitled to reimbursement.

The submitted documentation supports that Rudolph Theobald, D.C. performed an evaluation of maximum medical improvement as ordered by the DWC. The maximum allowable reimbursement (MAR) for this examination is \$350.00.³

The submitted documentation supports that Dr. Theobald provided an impairment rating, which included a musculoskeletal body area, performing a full physical evaluation with range of motion of the right shoulder. Reimbursement is \$300.00 for the first musculoskeletal body area if a full physical evaluation with range of motion is performed.⁴

The submitted documentation indicates that Dr. Theobald performed an examination to determine the extent of the compensable injury. The MAR for this examination is \$500.00.⁵

The total allowable reimbursement is \$1,150.00. 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 \$1,150.00.

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-)

⁵ 28 TAC §134.235

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 \$1,150.00, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

_____	_____ Laurie Garnes _____	_____ March 11, 2020 _____
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.