



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

KRISTIE GADDIS, D.C.

Respondent Name

XL SPECIALTY INSURANCE COMPANY

MFDR Tracking Number

M4-20-2399-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

June 3, 2020

Response Submitted By

Flahive, Ogden & Latson

REQUESTOR'S POSITION SUMMARY

"The carrier paid the 1,725. They DID NOT pay the interest due. I would like to continue with the dispute."

RESPONDENT'S POSITION SUMMARY

"Payment was resent again on 07/22/2020 for the amount of 6.47. Please give me updated Tax-id to have the payment sent once again."

SUMMARY OF FINDINGS

Date(s) of Service	Disputed Service(s)	Amount in Dispute	Amount Due
March 2, 2020	99456	\$1,725.00	\$0.00
		Interest	\$6.11
TOTAL			\$6.11

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

- 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
- 28 Texas Administrative Code §134.130 sets out the procedures for Interest for Late Payment on Medical Bills and Refunds.
- Texas Labor Code §413.019 sets out the procedures for Interest Earned for Delayed Payment, Refund, or Overpayment regarding medical services and fees.
- Texas Labor Code §401.023 sets out the procedures for computation of Interest or Discount Rate.

Issues

1. Did the insurance carrier issue payment for the disputed charges?
2. What is the date the insurance carrier received the medical bill?
3. What is the interest due per 28 Texas Administrative Code (TAC) §134.130?
4. Is the requestor entitled to additional reimbursement?

Findings

1. The requestor billed the amount of \$1,725.00 for CPT code(s) 99456, rendered on March 2, 2020. Review of the submitted documentation supports that the insurance carrier issued payments totaling \$1,725.00 on June 12, 2020. The requestor in correspondence to the Division confirmed receipt of payment for the disputed services, however, seeks payment for the interest not reimbursed by the insurance carrier.
2. The requestor alleges that interest is due for the service in dispute. Pursuant to 28 TAC §134.130(a) "Insurance carriers shall pay interest on medical bills paid on or after the 60th day after the insurance carrier originally received the complete medical bill, in accordance with §133.240 of this title (relating to Medical Payment and Denials). Review of the submitted documentation (faxed confirmation page) establishes that March 11, 2020 is the receipt date of the medical bill for date of service March 2, 2020. The Division, therefore, concludes that the date the carrier originally received the complete medical bill is March 11, 2020. The Division finds that the requestor is entitled to reimbursement for the interest determined pursuant to 28 TAC §134.130(c) & (d).
3. 28 TAC §134.130(c) states, "The rate of interest to be paid shall be the rate calculated in accordance with Labor Code §401.023 and in effect on the date the payment was made."

28 TAC §134.130 "(d) Interest shall be calculated as follows: (1) multiply the rate of interest by the amount on which interest is due (to determine the annual amount of interest); (2) divide the annual amount of interest by 365 (to determine the daily interest amount); then (3) multiply the daily interest amount by the number of days of interest to which the recipient is entitled under subsection (a) or (b) of this section.

28 TAC §134.130 "(e) The percentage of interest for each quarter may be obtained by accessing the Texas Department of Insurance's website, www.tdi.state.tx.us." The Division finds that the percentage rate for this quarter is 3.80%.
4. The respondent reimbursed the requestor the amount of \$1,725.00 for disputed services. In accordance with 28 TAC §134.130, the amount due for interest is \$6.11. Therefore, an amount of \$6.11 is recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that reimbursement for the interest is due. As a result, the amount ordered is \$6.11.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the disputed interest amount. The Division hereby ORDERS the respondent to remit to the requestor the interest amount of \$6.11 per 28 TAC §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	March 9, 2021
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 28 Texas Administrative Code §133.307, 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 prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.