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
Texas Spine and Joint Hospital

Respondent Name
Texas Mutual Insurance Co

MFDR Tracking Number
M4-20-2504-01

Carrier's Austin Representative
Box Number 54

MFDR Date Received
June 15, 2020

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The medical records support the Claimant's June 15, 2019 visit to the Emergency Room as an actual emergency per this definition, which excuses the Hospital from obtaining authorization under the Labor Code."

Amount in Dispute: $908.20

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Additional review of the documentation supports the severe pain is related to disputed conditions not accepted as the compensable injury."

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
June 15, 2019	Outpatient Hospital Services	$908.20	$0.00

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.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §133.2 defines emergency.
3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
   - B7 – This provider was not certified/eligible to be paid for this procedure/service on this date of service.
   - 225 – The submitted documentation does not support the service being billed. We re-evaluate this upon receipt of clarifying information.
   - 242 – No treating doctor approved treatment
   - 193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly.

Issues

Is the insurance carrier's denial supported?

Findings

The insurance carrier states, "The bill was denied as documentation does not support an emergency resulting in serious jeopardy per Rule 132.5(A)(i)(ii)."

28 TAC 134.2 states in pertinent part, "a medical emergency is the sudden onset of a medical condition manifested by acute symptoms of sufficient severity, including severe pain…"

Review of the submitted medical documentation found in "Assessment & Plan," "He does have chronic low back pain with exacerbation in the pain today."

The submitted documentation does not support a sudden onset of a medical condition. The insurance carrier's denial is supported. No additional payment is recommended.

Conclusion

In resolving disputes over reimbursement for medically necessary health care to treat a compensable injury, the role of DWC is to adjudicate payment following Texas laws and DWC rules. The findings in this decision are based on the evidence available at the time of review. Even though not all the evidence was discussed, it was considered.

For the reasons above the requestor has not established payment is due. As a result, the amount ordered is $0.00.

ORDER

Based on the submitted information, pursuant to Texas Labor Code Section 413.031, the division hereby determines the requestor is entitled to $0.00 additional reimbursement for the services in dispute.

Authorized Signature

		July 10, 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 DWC within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to 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 TAC §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.