



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

DALLAS AREA RAPID TRANSIT

MFDR Tracking Number

M4-20-2553-01

Carrier's Austin Representative

Box Number 53

MFDR Date Received

June 24, 2020

REQUESTOR'S POSITION SUMMARY

"The complete/clean bill was submitted to the carrier for reimbursement on 12/10/2019 ... On 01/16/2020, an MET representative contacted the insurance carrier to confirm receipt of bill and check payment status. MET was told by the carrier the bill was not on file, and the carrier requested the claim be resubmitted to fax number 855-496-5410 ... On 01/30/2020, an MET representative contacted the carrier again to confirm bill receipt and check payment status. At this time, MET was told the claim was no longer handled by them, and the new TPA was Sedgwick. A phone number was provided by the original carrier for the new carrier. MET placed a phone call to the new carrier, Sedgwick, but was told that the claim was also not being processed by them."

Amount in Dispute: \$350.00

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 16, 2019, Designated Doctor Examination (99456-W5-NM), \$350.00, \$350.00

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 and denial of medical bills.
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.

4. The submitted documentation did not include explanations of benefits.

Issues

- 1. Did Dallas Area Rapid Transit respond to the medical fee dispute?
- 2. Did Dallas Area Rapid Transit 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 additional reimbursement?

Findings

- 1. The Austin carrier representative for Dallas Area Rapid Transit is Hoffman Kelly, LLP. The representative was notified of this medical fee dispute on June 30, 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. 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 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. Because the insurance carrier failed to present any defense for denial of payment for the examination in question, Medical Evaluators of Texas is entitled to reimbursement.

The submitted documentation supports that Dr. Nilima Rai performed an evaluation of maximum medical improvement as ordered by the DWC. Therefore, the maximum allowable reimbursement for this examination is \$350.00.³ 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 \$350.00.

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 \$350.00, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

Signature	Medical Fee Dispute Resolution Officer	August 31, 2020 Date
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¹ 28 TAC §133.307(d)(1)
² 28 TAC §133.240 (a)
³ 28 TAC §134.250(3)(C)

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.