



# 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**

UT Health Quitman

**Respondent Name**

Federated Reserve Insurance Co

**MFDR Tracking Number**

M4-21-1236-01

**Carrier's Austin Representative**

Box Number 01

**MFDR Date Received**

March 22, 2021

### REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary:** "Underpaid/denied APC modifier on the ER visit and the x-rays should be allowed separately."

**Amount in Dispute:** \$189.63

### RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** "...it is the carrier's position that it has reviewed and paid the charges in question appropriately."

**Response Submitted by:** Parker & Associates, LLC

### SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
January 14, 2021	Critical Care Access Hospital Services	\$189.63	\$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**

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- 28 Texas Administrative Code §134.1 sets out reimbursement guidelines for workers compensation medical claims.
- The insurance carrier reduced/denied the disputed services with the following reason codes:
  - 97 – The benefit for this service is included in the payment/allowance for another service/procedure that has already been adjudicated
  - P12 – Workers' compensation jurisdictional fee schedule adjustment

**Issues**

1. Is the requestor’s position supported?
2. What rule is applicable to reimbursement?

**Findings**

1. The requestor is seeking additional reimbursement of services rendered in a Critical Access Hospital. In their reconsideration they reference DWC Rule 134.403 and 134.404.

These rules apply to acute inpatient hospital care and acute outpatient hospital care. Review of the submitted medical bill finds the rendered services were performed at UT Health Quitman whose NPI indicates a Critical Access Hospital. The referenced rules do not apply. Explanation of the applicable rule and fee is discussed below.

2. Under the division’s general reimbursement Rule at 28 TAC §134.1(e), payment for health care is calculated by applying a fee from an adopted Division rule or by applying a negotiated contract rate. In the absence of an applicable fee guideline or a negotiated contract, the payment is subject to the division’s general fair and reasonable requirements described in 28 TAC 134.1 (f) found below.

There is no fee guideline for services provided in a Critical Access Hospital. No evidence of a contract was submitted. The DWC general fair and reasonable standard of payment applies to the disputed services.

The insurance carrier provided evidence of using the CMS OPSS calculation found at [www.cms.gov](http://www.cms.gov) in their payment of \$710.37.

28 TAC 134.1(f) required the health care provider to support their suggested reimbursement is consistent with the criteria of Labor Code §413.011 which requires documentation of similar procedures provided in similar circumstances received similar reimbursement; and their suggested reimbursement is based on nationally recognized published studies, published Division medical dispute decisions, and/or values assigned for services involving similar work and resource commitments, if available.

Review of the submitted positional statement did not meet the criteria described above.

No additional reimbursement 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**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

April 16, 2021  
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 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. **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.**