TEXAS DEPARTMENT OF INSURANCE
Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)
7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645
(512) 804-4000 | F: (512) 804-4811 | (800) 252-7031 | TDI.texas.gov | @TexasTDI

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name
LAPUERTA, LEOPOLDO JR

Respondent Name
INDEMNITY INSURANCE CO OF NORTH

MFDR Tracking Number
M4-21-1522-01

Carrier's Austin Representative
Box Number 15

MFDR Date Received
April 29, 2021

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "I wish to File a Medical Fee Dispute Regarding services provided to [injured employee], DOI [date of injury], DOB [date of birth], DWC claim [DWC number].

Chubb Insurance Company / ESIS /claim Adjuster Sonia Godinez have refused to pay for 3 operations performed in 2016."

Amount in Dispute: $22,998.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "This medical dispute concerns services provided by Leopoldo Lapuerta Jr. associated with date of service April 29, 2016 – August 1, 2016. As explained in the carrier's explanations of benefits reimbursement was properly denied. Furthermore, the request for medical dispute resolution is not timely.

Under Division Rule 133.307(c)(1)(A), a Request for Medical Fee Dispute Resolution must be provided within one year of the date of service. Leopoldo Lapuerta, Jr. requested medical dispute resolution for date of service April 29, 2016 – August 1, 2016. It does not appear Leopoldo Lapuerta, Jr's medical fee dispute resolution request was made until April 29, 2021. Accordingly, the date of service at issue is outside of the one-year deadline and the Division lacks jurisdiction to consider this disputes."

Response Submitted by: ESIS

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
April 29, 2016	Code 26370, 26735 and 13132	$22,998.00	$0.00
July 11, 2016	Code 15574 and 15240		
August 1, 2016	Code 15610		

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. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
    - No explanation of benefits provided

Issues

1. Did the requestor waive the right to medical fee dispute resolution?

Findings

1. 28 Texas Administrative Code §133.307(c)(1) states:

> Timeliness. A requestor shall timely file the request with the division's MFDR Section or waive the right to MFDR. The division shall deem a request to be filed on the date the MFDR Section receives the request. A decision by the MFDR Section that a request was not timely filed is not a dismissal and may be appealed pursuant to subsection (g) of this section.
>
> (A) A request for MFDR that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute.

The date of the services in dispute is April 29, 2016; July 11, 2016 and August 1, 2016. The request for medical fee dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) Section on April 29, 2021. This date is later than one year after the date(s) of service in dispute. Review of the submitted documentation finds that the disputed services do not involve issues identified in §133.307(c)(1)(B). The Division concludes that the requestor has failed to timely file this dispute with the Division's MFDR Section; consequently, the requestor has waived the right to medical fee dispute resolution.

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is $0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to $0.00 reimbursement for the disputed services.

Authorized Signature

[redacted]	[redacted]	May 7, 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, 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 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.