MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name
BAYLOR ORTHOPEDIC & SPINE HOSPITAL

Respondent Name
ZURICH AMERICAN INSURANCE CO

MFDR Tracking Number
M4-21-1856-01

Carrier's Austin Representative
Box Number 19

MFDR Date Received
June 17, 2021

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Per EOB, expected reimbursement was partially paid in accordance with the TX WC fee schedule and global reimbursement methodology CPT 29827 should be paid at a rate of $5981.95 * 200%. Please review and submit remaining balance of $2,802.49."

Amount in Dispute: $2,802.49

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The provider filed a DWC-60 seeking Medical Fee Dispute Resolution for a date of service of April 27, 2020. The provider's DWC-60 was received by the Division on June 17, 2021. The provider is not entitled to Medical Fee Dispute Resolution because the provider did not submit is DWC-60 to the Division of Workers' Compensation within one year of the date of service. Pursuant to Division rule 133.307 (c)(1)(A), requestor shall timely file the request with the Division's Medical Fee Dispute Resolution Section or waive the right to Medical Fee Dispute Resolution."

Response Submitted by: Flahive, Odden & Latson

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
April 27, 2020	Code 29827	$2,802.49	$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. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:

- 252 – An attachment/ other documentation is required to adjudicate this claim/service
- P12 – Workers Compensation Jurisdictional Fee Schedule Adjustment
- 45 – Charge exceeds schedule/maximum allowable or contracted/legislated pre-arrangement; This adjustment amount cannot equal the total service or claim charge amount: and must not duplicate; Provider adjustment amounts and contractual
- W3 – In accordance with TDI-DWC Rule 134.804, this bill has been identified as a request for reconsideration or appeal

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 27, 2020. The request for medical fee dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) Section on June 17, 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

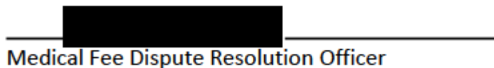
For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is $0.00.

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

Signature



Medical Fee Dispute Resolution Officer

July 09, 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 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.