



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

BAILEY, JASON RICHARD

Respondent Name

AMERISURE MUTUAL INSURANCE CO

MFDR Tracking Number

M4-21-2099-01

Carrier's Austin Representative

Box Number 47

MFDR Date Received

July 15, 2021

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "This letter is being submitted on behalf of the above captioned claimant, and serves as a Formal Complaint regarding the medical services performed by Christopher L Balinge, M.D. on 3/16/2020.

Our claim submitted on 05/09/2020 in the amount of \$43,213.98 and was reimbursed an inferior payment in the amount of \$4,629.02."

Amount in Dispute: \$38,584.96

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Requestor filed its medical fee dispute resolution on July 15, 2021 as indicated by the Requestor's letter to the Division, fax cover sheet, and fax header on the documents.

Pursuant to rule 133.307(c)(1)(A), a request for medical fee dispute resolution must be filed no later than one year after the date(s) of service in dispute

The disputed date of service is March 16, 2020. Therefore, Requestor was required to file its request for medical fee dispute resolution no later than March 16, 2021. Because it did not do so, it has waived the right to medical fee dispute resolution."

Response Submitted by: STONE LOUGHLIN SWANSON

SUMMARY OF FINDINGS

Table with 4 columns: Dates of Service, Disputed Services, Amount In Dispute, Amount Due. Row 1: March 16, 2020, Codes 62141-62, 15733-62-LT, 15733-62-RT, 14301 and 14302, \$38,584.96, \$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:
 - 329 – Allowance for this service represents 50% because of multiple or bilateral rules
 - 59 – Processed based on multiple or concurrent procedure rules
 - 790 – This charge was reimbursed in accordance to the Texas Medical Fee Guideline
 - P12 – Workers’ Compensation Jurisdictional Fee Schedule Adjustment

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 March 16, 2020. The request for medical fee dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) Section on July 15, 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

August 17, 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.