

Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Andrew R. Garcia, D.C.

Respondent Name

AIU Insurance Co.

MFDR Tracking Number

M4-21-2158-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

July 25, 2021

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
November 10, 2020	Designated Doctor Examination (99456-W5-WP)	\$500.00	\$500.00

Requestor's Position

"I initially submitted claim via fax on 11/19/2020 ot the claims adjuster ... I followed up on 1/13/2019 and refaxed the claim to ... the fax number provided to the claims adjuster found on the court order from the worker's comp division from the State of Texas form # DWC032 ... And mailed a copy of the claim to Gallagher Bassett."

Amount in Dispute: \$500.00

Respondent's Position

The Austin carrier representative for AIU Insurance Co. is Flahive, Ogden & Latson. The representative was notified of this medical fee dispute on August 3, 2021.

Per 28 Texas Administrative Code §133.307 (d)(1), 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.

As of today, no response has been received from the insurance carrier or its representative.

We will base this decision on the information available.

Findings and Decision

Authority

This medical fee dispute is decided according to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation (DWC).

Statutes and Rules

1. 28 Texas Administrative Code §133.20 sets out the procedures for submitting medical bills.
2. 28 TAC §133.307 sets out the procedures for resolving medical fee disputes.
3. 28 TAC §134.250 sets out the fee guidelines for examinations to determine maximum medical improvement and impairment rating.

Denial Reasons

The insurance carrier denied the payment for the disputed services with the following claim adjustment codes:

- 29 – The time limit for filing has expired.
- P12 – Workers' compensation jurisdictional fee schedule adjustment.
- 309 – The charge for this procedure exceeds the fee schedule allowance.
- 0905 – This bill is a reconsideration of a previously reviewed bill, allowance amounts reflect any changes to the previous payment.
- 193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly.

Issues

1. Is AIU Insurance Company's denial based on timely filing supported?
2. Is Andrew R. Garcia, D.C. entitled to additional reimbursement?

Findings

1. Dr. Garcia is seeking reimbursement for a designated doctor examination to determine maximum medical improvement and impairment rating performed on November 10, 2020. The insurance carrier denied payment stating that "the time limit for filing has expired."

The health care provider is required by 28 TAC §133.20 (b) to submit a medical bill within 95 days from the date of service.

The greater weight of evidence submitted to DWC supports that the medical bill was submitted to the insurance carrier or its agent on or about November 19, 2020. This is less than 95 days from the date of service.

The insurance carrier's denial of payment for this reason is not supported.

2. Because the insurance carrier failed to support its denial of payment for the disputed examination, Dr. Garcia is entitled to reimbursement.

The submitted documentation supports that Dr. Garcia performed an evaluation of maximum medical improvement as ordered by DWC. 28 TAC §134.250 (3)(C) states that the maximum allowable reimbursement (MAR) for this examination is \$350.00.

Review of the submitted documentation finds that Dr. Garcia performed impairment rating evaluations of the thoracic spine using the DRE method. The rule at 28 TAC §134.250 (4)(C) defines the fees for the calculation of an impairment rating. The MAR for the evaluation of a musculoskeletal body area determined using the DRE method is \$150.00.

The total allowable reimbursement for the examination in question is \$500.00. This amount is recommended.

Conclusion

The outcome of this medical fee dispute is based on the evidence presented by the requestor and the respondent at the time of adjudication. Though all evidence may not have been discussed, it was considered.

DWC finds the requester has established that additional reimbursement of \$500.00 is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to additional reimbursement for the disputed services. It is ordered that AIU Insurance Company must remit to Andrew R. Garcia, D.C. \$500.00 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC §134.130.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

September 29, 2021

Date

Your Right to Appeal

Either party to this medical fee dispute has a right to seek review of this decision under 28 TAC §133.307, which applies to disputes filed on or after **June 1, 2012**.

A party seeking review must submit DWC Form-045M, *Request to Schedule, Reschedule, or Cancel a Benefit Review Conference to Appeal a Medical Fee Dispute Decision (BRC-MFD)* and follow the instructions on the form. You can find the form at www.tdi.texas.gov/forms/form20numeric.html. DWC must receive the request within **20 days** of when you receive this decision. You may fax, mail, or

personally deliver your request to DWC using the contact information on the form or the field office handling the claim. If you have questions about DWC Form-045M, please call CompConnection at 1-800-252-7031, option 3 or email CompConnection@tdi.texas.gov.

The party seeking review of the MFDR decision must deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with DWC. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** with any other required information listed in 28 TAC §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 1-800-252-7031, opción 3 o correo electrónico CompConnection@tdi.texas.gov.