



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Jeff Cunningham, D.C.

Respondent Name

Texas Municipal League Intergovernmental Risk Management

MFDR Tracking Number

M4-21-2446-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

August 27, 2021

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
August 6, 2021	Designated Doctor Examination (99456-W5-WP x 2)	\$150.00	\$150.00

Requestor's Position

"This bill was sent to the carrier and it was paid according to the original billing. However, there was an error in the billing and it was correctly resubmitted to the carrier and billed for the appropriate amount."

Amount in Dispute: \$150.00

Respondent's Position

The Austin carrier representative for Texas Municipal League Intergovernmental Risk Management is Flahive, Ogden & Latson. The representative was notified of this medical fee dispute on August 31, 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 TAC §133.307 sets out the procedures for resolving medical fee disputes.
2. 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:

- 18 – Exact duplicate claim/service
- 224 – Duplicate charge

Issues

1. Is the insurance carrier's denial based on duplicate charges supported?
2. Is Jeff Cunningham, D.C. entitled to additional reimbursement?

Findings

1. Dr. Cunningham is seeking additional reimbursement for an examination to determine maximum medical improvement and impairment rating. Texas Municipal League Intergovernmental Risk Management denied the charges as a duplicate bill.

The evidence submitted does not support that the requested amount is duplicated billing. This denial is not supported.

2. The submitted documentation supports that Dr. Cunningham 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. Cunningham performed impairment rating evaluations of the left shoulder with range of motion testing and the cervical spine using the DRE method. The rule at 28 TAC §134.250 (4)(C) defines the fees for the calculation of an impairment rating for musculoskeletal body areas. The MAR for the evaluation of the first musculoskeletal body area performed with range of motion is \$300.00. The MAR for the

evaluation of a musculoskeletal body area determined using the DRE method is \$150.00. The total MAR for the determination of impairment rating is \$450.00.

The total allowable reimbursement for the examination in question is \$800.00. Dr. Cunningham is seeking \$150.00. 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 \$150.00 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 Texas Municipal League Intergovernmental Risk Management must remit to Jeff Cunningham, D.C. \$150.00 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

November 5, 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.