

Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Stephen Tomko, D.C.

Respondent Name

City of El Paso

MFDR Tracking Number

M4-22-0216-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

October 4, 2021

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
February 5, 2021	Designated Doctor Examination (99456-W5-WP)	\$650.00	\$0.00

Requestor's Position

"DESIGNATED DOCTOR EXAMINATION NO PAYMENT RECEIVED ... PLEASE SEE THE COMMISSIONER'S BULLETIN #B-0010-20 OUTLINING EXCEPTION TIMELY FILING DUE TO CASTASTROPHIC EVENT OF COVID OUTBREAK CAUSING THIS REPORT TO BE SUBMITTED OUTSIDE OF NORMAL TIMELINE. PLEASE RECONSIDER PAYMENT."

Amount in Dispute: \$650.00

Respondent's Position

"Our initial receipt of the bill was on 8/5/2021. 8/17/2021 this bill was denied for timely filing. On 8/31/2021 we received a reconsideration where the provider documents Commissioner's Bulletin # B-0010-20 dated 3/25/2020 where Governor Abbott declared Covid-19 a disaster and timely filing requirements suspended under Texas Worker's Compensation System ... on 1/29/2021, Commissioner's Bulletin #B-0004-21, the tolling period clock for the timely filing provision went back into effect effective 3/1/2021. On 9/8/2021, our denial for timely filing was maintained."

Response Submitted by: Claims Administrative Services, Inc.

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 a medical bill.
2. 28 TAC §133.307 sets out the procedures for resolving medical fee disputes.
3. Texas Labor Code Sec. 408.0272 provides exceptions to the medical bill filing deadline.

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.
- 719 – Per Rule 133.20, a medical bill shall not be submitted later than the 95th day after the date of service.
- Notes: "Based on Commissioner's Bulletin # B-0004-21, effective 3/1/2021, timely filing requirements went back into effect."

Issues

1. Is Stephen Tomko, D.C. entitled to additional reimbursement?

Findings

1. Dr. Tomko is seeking reimbursement for a designated doctor examination performed on February 5, 2021. City of El Paso denied payment based on timely filing.

Per 28 TAC §133.20 (b), a health care provider shall not submit a medical bill later than the 95th day after the date the services are provided, with few exceptions. TLC §408.0272 (b) allows billing after 95 days if the requestor provides sufficient evidence that:

- it submitted a bill by mistake to:
 - an insurer that issues a policy of group accident and health insurance under which the injured employee is a covered insured;
 - a health maintenance organization that issues an evidence of coverage under which the injured employee is a covered enrollee; or
 - a workers' compensation insurance carrier other than the insurance carrier liable for the payment of benefits under this title; or
- the commissioner determined that a catastrophic event substantially interfered with the

normal business operations of the provider.

Dr. Tomko argued that Commissioner's Bulletin # B-0010-20 provided an exception to the requirements of 28 TAC §133.20 (b) for the disputed date of service in question.

On March 25, 2020, Commissioner Brown issued Bulletin # B-0010-20, effective March 13, 2020, which tolled the 95-day deadline. This pause was lifted on January 29, 2021 by Bulletin # B-0004-21, effective March 1, 2021.

Documentation received by DWC indicates that an initial bill for the disputed examination was submitted on or about August 5, 2021. This is more than 95 days after the commissioner's exception was lifted. Dr. Tomko failed to provide any evidence to support that a bill was submitted to the insurance carrier timely.

DWC finds that Dr. Tomko is not entitled to reimbursement for the examination in question.

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 requestor has not established that additional reimbursement is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is not entitled to additional reimbursement for the disputed services.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

November 9, 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 electronico CompConnection@tdi.texas.gov.