

## Medical Fee Dispute Resolution Findings and Decision

### General Information

**Requestor Name**  
HENOCK G ZABHER

**Respondent Name**  
TEXAS MUTUAL INSURANCE CO

**MFDR Tracking Number**  
M4-22-0275-01

**Carrier's Austin Representative**  
Box Number 54

**DWC Date Received**  
October 11, 2021

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
August 06, 2020	Code 93010	\$25.00	\$0.00
<b>Total</b>		\$25.00	\$0.00

### Requestor's Position

Requestor did not provide a position statement.

**Amount in Dispute:** \$25.00

### Respondent's Position

"The following is the carrier's statement with respect to this dispute 8/6/2020 to 8/6/2020 ... One year from disputed date 8/6/2020 is 8/6/2021. The TDI/DWC date stamp lists the received date as 10/11/2021 on the requestor's DWC-60 packet, a date greater than one year from 8/6/2020. The requestor has waived its right to DWC MDR. Further, the requestor has not provided any rationale to support timely filing, nor has he provided documentation to support a request for reconsideration has been filed with the carrier. No payment is due.

**Response Submitted by:** Texas Mutual Insurance Company

### 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.

## Denial Reasons

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

- CAC-29 – The time limit for filing has expired
- 731 – Per 133.20 (B) Provider shall not submit a medical bill later than the 95<sup>th</sup> day after the date the service

## 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 August 06, 2020. The request for medical fee dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) Section on October 11, 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

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 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 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](http://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](mailto: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](mailto:CompConnection@tdi.texas.gov).