



Medical Fee Dispute Resolution Findings and Decision General Information

Requester Name

ST LUKE'S ESPISCOPAL HEALTH

Respondent Name

ZURICH AMERICAN INSURANCE COMPANY

MFDR Tracking Number

M4-22-0625-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

December 1, 2021

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
June 11, 2021 through June 16, 2021	Outpatient Facility Charges	\$22,844.41	\$0.00
	Total	\$22,844.41	\$0.00

Requester's Position

"This bill is an outpatient bill that should pay per TDI rule 134.403 (g) (1). The carrier originally paid \$17326.29 and requested the implant invoices when they are not required nor were they requested to be paid separately... There is one code payable on this bill, which is CPT code 64590 and per OPPS, the payment rate is \$20479.79 times our wage index of 0.9653, the mark up should be \$40170.70. The carrier has underpaid this by \$22844.41 and that is the amount of our dispute."

Amount in Dispute: \$22,844.41

Respondent's Position

"...the claimant is in the Zurich Services Corp HCN... Accordingly, the provider should either withdraw its request for medical fee dispute resolution or the Division should dismiss it on the basis that the Division's Medical Review Division does not have the authority to make any determinations concerning the amount of reimbursement in this claim."

Response Submitted by: Flahive, Ogden & Latson

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 (TAC) §133.307 sets out the procedures for resolving medical fee disputes.
2. Texas Insurance Code Chapter 1305 applies to health care certified networks.

Denial Reason(s)

The insurance carrier reduced or denied payment for the services in dispute with the following claim adjustment code(s):

- 131 – Claim specific negotiated discount.
- P12 – Workers' compensation jurisdictional fee schedule adjustment.

Issues

Is this dispute eligible for medical fee dispute resolution under 28 TAC §133.307?

Findings

The requestor filed this medical fee dispute to the Division asking for resolution pursuant to 28 TAC §133.307 titled *MDR of Fee Disputes*. The authority of the Division of Workers' Compensation to resolve matters involving employees enrolled in a certified health care network is limited to the conditions outlined in the applicable portions of the Texas Insurance Code (TIC), Chapter 1305 and limited application of Texas Labor Code statutes and rules, including 28 TAC §133.307.

Texas Insurance Code §1305.106 provides that "An insurance carrier that establishes or contracts with a network is liable for the following **out-of-network** health care that is provided to an injured employee... (3) health care provided by an out-of-network provider pursuant to a referral from the injured employee's treating doctor that has been approved by the network pursuant to Section [1305.103](#)."

TIC §1305.153 (c) provides that "Out-of-network providers who provide care as described by Section 1305.006 shall be reimbursed as provided by the Texas Workers' Compensation Act and applicable rules of the commissioner of workers' compensation."

The Division finds that the requestor submitted insufficient documentation to support that an out-of-network referral was obtained for the treatment rendered on June 11, 2021 through June 16, 2021. As a result, the disputed services are not eligible for medical fee dispute resolution.

The Division finds that adjudicating the disputed service would involve enforcing a law, regulation, or other provision for the disputed service(s), provided to an in-network injured employee. The Division finds the disputed services are not under the jurisdiction of the Division of Workers' Compensation and therefore, are not eligible for medical fee dispute resolution under 28 TAC §133.307.

The Division finds that the disputed services were rendered to an in-network injured employee. The TDI rules at 28 TAC §§10.120 through 10.122 address the submission of a complaint by a health care provider to the Health Care Network. The Division finds that the disputed services may be filed to the TDI Complaint Resolution Process if the health care provider or facility is dissatisfied with the outcome of the network complaint process. The complaint process outlined in Texas Insurance Code Subchapter I, §1305.401 - §1305.405 and may be the appropriate administrative remedy to address matters related to health care certified networks.

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. The Division finds that this dispute is not under the jurisdiction of the Division of Workers' Compensation and is therefore, not eligible for medical fee dispute resolution under 28 TAC §133.307.

Order

It is ordered that this dispute is not eligible for resolution under 28 TAC §133.307.

Authorized Signature

_____	_____	January 6, 2022
Signature	Medical Fee Dispute Resolution Officer	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 prefieres hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.