



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Harar Yusuf, M.D.

Respondent Name

Zurich American Insurance Co.

MFDR Tracking Number

M4-22-0876-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

January 12, 2022

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
March 6, 2021	Designated Doctor Examination 99456-W5-NM	\$350.00	\$350.00

Requestor's Position

We have submitted multiple collection requests and have not received partial or full payment. Per our records, the bill was submitted to the insurance carrier on: March 29, 2021.

As of today, we have not received an Explanation of Benefits from the carrier.

Amount in Dispute: \$350.00

Respondent's Position

We have reviewed the provider's DWC-60 packet and nothing in that packet constitutes proof that the provider ever submitted the medical bill to the carrier much less submitted it to the carrier within ninety-five days of the date of service ... The adjuster never received the medical bill nor did anyone else within the carrier. The carrier is going to process the provider's bill based upon the DWC-60 which is it's first receipt of the medical bill ... The provider's DWC-60 was prematurely filed and should be withdrawn until the carrier has had an opportunity to process the provider's bill.

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 §133.240 sets out the procedures for payment or denial of medical bills.
3. 28 TAC §133.307 sets out the procedures for resolving medical fee disputes.
4. 28 TAC §134.250 sets out the fee guidelines for examinations to determine maximum medical improvement.

Denial Reasons

Neither party submitted an explanation of benefits with reasons for a denial of payment for the disputed services.

Issues

1. Did Zurich American Insurance Co. take final action on the bill for the disputed service before medical fee dispute resolution was requested?
2. Is Harar Yusuf, M.D. entitled to additional reimbursement?

Findings

1. Dr. Yusuf is seeking reimbursement for a designated doctor examination to determine maximum medical improvement. Dr. Yusuf argued that neither payment nor an explanation of denial for medical bills submitted for the examination in question was received.

In its position statement dated February 7, 2022, Flahive, Ogden & Latson, on behalf of Zurich American Insurance Co., argued that "The adjuster never received the medical bill nor did anyone else within the carrier. The carrier is going to process the provider's bill based upon the DWC-60 which is its first receipt of the medical bill".

Per 28 TAC §133.240 (a), the insurance carrier is required to take final action by paying, reducing, or denying the service in question not later than 45 days after receiving the medical bill. This deadline is not extended by a request for additional information.

The greater weight of evidence presented to DWC supports that a complete bill for the services in question was received by the insurance carrier or its agent. No evidence was

provided to support that the insurance carrier took final action on the bill for the service in question.

2. Because the insurance carrier failed to provide evidence of a defense for non-payment of the services in question, Dr. Yusuf is entitled to reimbursement.

The submitted documentation supports that Dr. Yusuf performed an evaluation of maximum medical improvement as ordered by DWC. 28 TAC §134.250 (3)(C) states that the maximum allowable reimbursement for this examination is \$350.00. 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 \$350.00 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 Zurich American Insurance Co. must remit to Harar Yusuf, M.D. \$350.00 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

May 13, 2022

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.