



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

John A. Sklar, M.D.

Respondent Name

Zurich American Insurance Co.

MFDR Tracking Number

M4-22-1066-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

February 4, 2022

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
July 27, 2021	Designated Doctor Examination 99456-W5-WP	\$450.00	\$450.00
July 27, 2021	Designated Doctor Examination 99546-W5-SP	\$50.00	\$50.00
Total		\$500.00	\$500.00

Requestor's Position

99456 W5 WP MMI = \$350.00
 IR-BACK = \$300.00
 IR-HEAD = \$150.00
 TTL = \$800.00
 PLUS 99456 W5 SP PAYS \$50.00 PER UNIT
 PLEASE SEND AN ADDITIONAL \$500.00

Amount in Dispute: \$500.00

Respondent's Position

The Austin carrier representative for Zurich American Insurance Co. is Flahive, Ogden & Latson. The representative was notified of this medical fee dispute on February 8, 2022.

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 Texas Administrative Code §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 reduced the payment for the disputed services with the following claim adjustment codes:

- P12
- 600
- 4150
- 309

Issues

1. Is John A. Sklar, M.D. entitled to additional reimbursement?

Findings

1. Dr. Sklar is seeking additional reimbursement for a designated doctor examination performed on July 27, 2021.

The submitted documentation supports that Dr. Sklar 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. Sklar performed impairment rating evaluations of the cervicothoracic spine with range of motion testing and a head contusion/concussion/headache. 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 rule at 28 TAC §134.250 (4)(D) defines the fees for the calculation of an impairment rating for non-musculoskeletal body areas. The MAR for the assignment of impairment rating for non-musculoskeletal body areas is \$150.00 each. The total MAR for the determination of impairment rating is \$450.00.

Dr. Sklar referred the injured employee to a specialist to provide a report to aid in determining the impairment rating for the head contusion, concussion, and headache. The use of this report is noted in the narrative. Per 28 TAC §134.250 (4)(D)(iii), the correct MAR for this service is \$50.00.

The total allowable reimbursement for the examination in question is \$850.00. The insurance carrier paid \$350.00. An additional reimbursement of \$500.00 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 \$500.00 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 John A. Sklar, M.D. \$500.00 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC §134.130.

Authorized Signature

_____	_____	May 10, 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 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.