

Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

GILBERT GONZALES JR

Respondent Name

LIBERTY INSURANCE CORP

MFDR Tracking Number

M4-22-2608-01

Carrier's Austin Representative

Box Number 01

DWC Date Received

August 12, 2022

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
December 31, 2019	Codes 97110 and 97140	\$1,680.00	\$0.00
February 3, 2020			
February 7, 2020			
March 31, 2021			
April 08, 2021	Codes 95851 and 95852		
Total		\$1,680.00	\$0.00

This is an appeal letter for a denial of services. Please review bills that we resubmitted to you for reconsideration on this claim this not a duplicate.

Amount in Dispute: \$1,680.00

Respondent's Position

This bill for DOS from 12/31/2019 thru 04/08/2021 will not be reviewed as this dispute has been submitted pas the timely filing deadline per Rule 133.307 ... The MFDR was filed on 08/15/2022 which is greater than one year from the Dates of service in question.

Response Submitted by: Liberty Mutual Insurance

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 [reduced or denied] the payment for the disputed services with the following claim adjustment codes:

- 5882 – Pre-authorization was requested but denied for this service per DWC Rule 134.600
- W3 – Additional payment made on appeal/reconsideration
- SP17 – Pre-authorization was required, but not requested for this service per DWC Rule 134.600
- 906 – In accordance with clinical based coding edits (National Correct Coding Initiative/Outpatient Code Editor), component code of comprehensive medicine, evaluation, and management services procedure (90000-99999) has been disallowed

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 December 31, 2019; February 3, 2020; February 7, 2020; March 31, 2021 and April 8, 2021. The request for medical fee dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) Section on August 12, 2022. 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

September 2, 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.