



## Medical Fee Dispute Resolution Findings and Decision General Information

**Requester Name**

Ranil Ninala, M.D.

**Respondent Name**

Bitco General Insurance Corp.

**MFDR Tracking Number**

M4-23-1714-01

**Carrier's Austin Representative**

Box Number 19

**MFDR Date Received**

March 16, 2023

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
April 15, 2022	Examination to Determine Maximum Medical Improvement 99456-NM	\$350.00	\$0.00

### Requester's Position

CERTIFYING DOCTOR EXAMINATION NO PAYMENT RECEIVED

**Amount in Dispute:** \$350.00

### Respondent's Position

The provider is not entitled to any payment. Moreover, the provider should not have filed a request for Medical Fee Dispute Resolution with the Medical Review Division. Rather, he should have pursued his remedy through the certified health care network. Specifically, the claimant is in the TX CorCare HCN. Medical fee disputes involving claimants who are in a certified health care network are to be handled by the network itself.

**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 \(TIC\), Chapter 1305](#) governs workers' compensation health care networks.

### Denial Reason(s)

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

- 242 – Services not provided by network/primary care prov
- 29 – Time limit for filing claim/bill has expired
- NNP – Out-of-network approval not requested prior to rendering services
- Notes: "Effective 9/1/05, providers have 95 days to submit bills to the insurance carrier for reimbursement. Your bill exceeds this limit."
- Notes: "Reimbursement is denied in accordance with Section 408.027 of the Act."
- Notes: "Per the Labor Code: 401.011(19) 'Health care' includes all reasonable and necessary medical aid, MEDICAL EXAMS, medical treatments, medical diagnoses, MEDICAL EVALUATIONS, and medical svcs. This is a medical evaluation. Claim is covered by TX CorCare HCN"
- Notes: "Billing is marked as a reconsideration request, however there is no prior record for the receipt of this bill."
- 18 – Duplicate Claim/Service
- R1 – Duplicate Billing

### Issues

1. Are the disputed services out-of-network health care?
2. Under what conditions is the insurance carrier liable for out-of-network health care?
3. Is the insurance carrier liable for the disputed services?

### Findings

1. The requestor, Ranil Ninala, M.D., submitted medical fee dispute M4-23-1714-01 to the division for resolution according to 28 TAC §133.307. The dispute concerns an examination to determine maximum medical improvement by a doctor selected by the treating doctor, **acting in place of the treating doctor**, provided by the requestor on April 15, 2022. Per the submitted documentation and from information known to the division, the injured employee's claim is within the Texas CorCare, a health care certified network. The requestor is not within the Texas CorCare network. As a result, the requestor provided out-of-network health care to the injured employee.

2. The requestor submitted the dispute requesting reimbursement for the disputed services as governed by the Texas Labor Code (TLC) legislation and rules, including 28 TAC §133.307. The requirements mentioned in the relevant sections of the TIC, Chapter 1305, are applicable to the DWC's ability to apply the TLC legislation and DWC rules for out-of-network health care. TIC §1305.153 (c) provides that "out-of-network providers who provide care as described by §1305.006 shall be reimbursed as provided by the Texas Workers' Compensation Act and applicable rules of the commissioner of workers' compensation."

TIC §1305.006 titled *INSURANCE CARRIER LIABILITY FOR OUT-OF-NETWORK HEALTH CARE*, states, "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:

- (1) emergency care;
- (2) health care provided to an injured employee who does not live within the service area of any network established by the insurance carrier or with which the insurance carrier has a contract; and
- (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 §1305.103."

3. The requestor therefore has the burden to prove that the condition(s) outlined in the TIC §1305.006 were met for the insurance carrier to be liable for the disputed services. The requestor has submitted insufficient documentation to prove that any of the conditions outlined in TIC §1305.006 applied to the disputed services.

DWC concludes that the requestor failed to demonstrate that any of the conditions of TIC §1305.006 were met in this dispute. As a result, DWC finds that the insurance carrier is not liable for the out-of-network health care in dispute.

### **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 concludes that the insurance carrier is not liable for the disputed services.

### **Order**

Based on the submitted information, pursuant to Texas Labor Code 413.031, the DWC hereby determines the requestor is entitled to \$0.00 reimbursement for the services in dispute.

### **Authorized Signature**

_____	_____	_____
Signature	Medical Fee Dispute Resolution Officer	May 26, 2023 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 three, 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 512-804-4812.