



## Medical Fee Dispute Resolution Findings and Decision

### General Information

**Requestor Name**

Baylor Scott & White  
Hillcrest

**Respondent Name**

Liberty Insurance Corp.

**MFDR Tracking Number**

M4-23-3333-01

**Carrier's Austin Representative**

Box Number 1

**DWC Date Received**

August 30, 2023

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
July 8, 2022	Gel One Injection	\$1,492.42	\$0.00
<b>Total</b>		\$1,492.42	\$0.00

### Requestor's Position

"In summary, (claimant name) outpatient services were clearly authorized by Liberty Mutual as indicated in the approval letter. Liberty Mutual failed to properly process this claim and submit payment to BSWH for the approved outpatient services. Again, BSWH obtained authorization for (claimant name) outpatient services and billed the claim to Liberty Mutual."

**Amount in Dispute:** \$1,492.42

### Respondent's Position

"This bill for DOS 07/08/2022 will not be reviewed as this dispute has been submitted past the timely filing deadline per Rule 133.307: 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 MFDR was filed on 08/30/2023 which is greater than the Dates of service in question."

**Response submitted by:** Liberty Mutual

### 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.

## Denial Reasons

The insurance carrier denied the payment for the disputed services with the following claim adjustment codes:

- 947 – In accordance with OPPS guidelines, the billed revenue codes requires HCPCS/CPT coding. No separate payment is recommended for a non-package revenue code.
- 5917 – Pre-authorization was required, but not requested for this service per DWC Rule 134.600.

## Issues

1. Did the requestor waive the right to medical fee dispute resolution?

## Findings

1. The requestor is seeking payment for outpatient hospital services rendered on July 8, 2022. The insurance carrier denied the disputed services for coding and lack of prior authorization. DWC Rule 28 TAC §133.307(c)(1) states:  
"Timeliness. A requestor shall timely file with the Division's MDR Section or waive the right to MDR. The Division shall deem a request to be filed on the date the division receives the request.  
(A) A request for medical fee dispute resolution 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.  
(B) A request may be filed later than one year after the date(s) of service if:  
(i) a related compensability, extent of injury, or liability dispute under Labor Code Chapter 410 has been filed, the medical fee dispute shall be filed not later than 60 days after the date the requestor receives the final decision, inclusive of all appeals, on compensability, extent of injury, or liability;  
(ii) a medical dispute regarding medical necessity has been filed, the medical fee dispute must be filed not later than 60 days after the date the requestor received the final decision on medical necessity, inclusive of all appeals, related to the health care in

dispute and for which the insurance carrier previously denied payment based on medical necessity; or  
(iii) the dispute relates to a refund notice issued pursuant to a division audit or review; the medical fee dispute must be filed not later than 60 days after the date of the receipt of a refund notice.

The date of the service in dispute is July 8, 2022. The request for medical dispute resolution was received at the Division on August 30, 2023.

Review of the submitted documentation found insufficient evidence to support an exception as detailed above. The requestor has waived their right to MFDR.

### 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 reimbursement is due.

## **Order**

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to \$0.00 reimbursement for the disputed services.

### **Authorized Signature**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

\_\_\_\_\_  
October 3, 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 3 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 1-800-252-7031, opción 3 o correo electrónico [CompConnection@tdi.texas.gov](mailto:CompConnection@tdi.texas.gov).