



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Comfort Surgery Center of San Antonio

Respondent Name

State Office of Risk Management

MFDR Tracking Number

M4-24-0346-01

Carrier's Austin Representative

Box Number 45

DWC Date Received

October 10, 2023

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
March 28, 2019	63650	\$66,429.28	\$0.00
March 28, 2019	64633	\$8,752.03	\$0.00
March 28, 2019	64634	\$2,085.12	\$0.00
March 28, 2019	77003	\$1,079.76	\$0.00
March 28, 2019	J1100	\$1.56	\$0.00
March 28, 2019	J3490	\$120.00	\$0.00
March 28, 2019	L8680	\$13,714.24	\$0.00
March 28, 2019	77003	\$1,079.76	\$0.00
March 28, 2019	J0690	\$40.80	\$0.00
March 28, 2019	J3490	\$120.00	\$0.00
Total		\$93,422.56	\$0.00

Requestor's Position

"We are providing all the proofs of our timely filing and requesting you to consider all of our documentation and process this complaint as per Texas guidelines."

Amount in Dispute: \$93,422.56

Respondent's Position

"The Office performed an in-depth review of the dispute packet submitted by Comfort Surgery Center of San Antonio where the Office determined that the denial for 29-time limit for filing will be maintained. Furthermore, the Office respectfully requests this dispute be dismissed as it is not eligible for Medical Fee Dispute Resolution as the dispute was not timely filed within one year from the date of service of 3/28/2019 pursuant to 28 TAC 133.307 (c)(1) as the Division's date stamp shows the dispute was received on 10/10/2023."

Response submitted by: State Office of Risk Management

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:

- 29 – The time limit for filing has expired.
- 4271 – Per TX Labor Code Sec. 413.016, Providers must submit bills to payors within 95 days of the date of service.

Issues

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

Findings

1. The requestor is seeking payment for professional services rendered on March 28, 2019. The insurance carrier denied the disputed services as not submitted timely.

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 March 28, 2019. The request for medical dispute resolution was received at the Division on October 10, 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 requestor 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

November 8, 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. 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.