



Medical Fee Dispute Resolution Findings and Decision

General Information

Requester Name

Baylor Surgical Hospital

Respondent Name

New Hampshire Insurance Company

MFDR Tracking Number

M4-24-0721-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

November 13, 2023

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
June 14, 2023	49505	\$6,883.25	\$0.00
Total		\$6,883.25	\$0.00

Requester's Position

"Per EOB received bill denied fo [sic] provider out of network. Please note that Out of Network Approval was obtained for treatment under Review #234513, and proof of authorization enclosed for review."

Amount in Dispute: \$6,883.25

Respondent's Position

"Carrier has previously responded to this dispute on December 19, 2023. The provider claims to have requested out-of-network approval since the provider is not in the Coventry Network. The employer on this claim has its employees in the Coventry Network. For those providers outside of the Coventry Network, the provider must request out-of-network approval from the network and that approval must be given by the network. Otherwise, the provider is not entitled to any payment."

Response Submitted by: Flahive, Ogden & Latson

Findings and Decision

Authority

This medical fee dispute is decided according to Texas Labor Code (TLC) §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 Chapter 1305 applies to health care certified networks.

Denial Reason(s)

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

- 5916 – Provider is not within the Coventry Health Care Network (HCN) for this customer. TX Insurance Code 1305 (B) and Labor Code 401.011.

Issues

1. Is this dispute eligible for medical fee dispute resolution under 28 TAC §133.307?
2. What may be the dispute path for resolving issues pertaining to in-network healthcare?

Findings

1. The requestor filed this medical fee dispute to DWC requesting reimbursement for the disputed services, governed by 28 TAC §133.307 titled *MDR of Fee Disputes*. The requirements mentioned in the relevant sections of the Texas Insurance Code (TIC), Chapter 1305, are applicable to the DWC's ability to apply the TLC legislation and DWC rules for out-of-network health care.

The authority of the Division of Workers' Compensation to resolve matters involving employees enrolled in a certified health care network, is limited to the conditions outlined in the applicable portions of the TIC, Chapter 1305 and limited application of TLC statutes and rules, including 28 TAC §133.307.

Texas Insurance Code §1305.106 provides that "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... (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 Section [1305.103](#)."

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 healthcare 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."

The requestor has the burden to prove that the condition(s) outlined in TIC §§1305.006 and 1305.103 were met in order to be eligible for dispute resolution. The requestor presented insufficient proof and/or documentation to support that it obtained the appropriate approval/referral from the certified healthcare network for the out-of-network health care it provided. Consequently, the services in dispute are not eligible for review by medical fee dispute resolution pursuant to 28 TAC §133.307.

2. The DWC finds that the disputed services were rendered to an in-network injured employee. The TDI rules at 28 TAC §§10.120 through 10.122 address the submission of a complaint by a health care provider to the Health Care Network. The DWC finds that the disputed services may be filed to the TDI Complaint Resolution Process if the health care provider or facility is dissatisfied with the outcome of the network complaint process. The complaint process outlined in TIC Subchapter I, §1305.401 - §1305.405 may be the appropriate administrative remedy to address matters related to certified health care networks.

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 DWC finds 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 that the requestor is entitled to \$0.00 reimbursement for the services in dispute.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

February 9, 2024
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 512-804-4812.