

Helping You with Your Insurance Complaint



Texas Department
of Insurance

Learn about insurance.

1-800-252-3439 | tdi.texas.gov

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Get help from TDI

For insurance questions or for help with an insurance-related complaint, call the **Texas Department of Insurance (TDI) Consumer Help Line** at **1-800-252-3439** or visit our website at **tdi.texas.gov**.

Visit **HelpInsure.com** to shop for automobile, homeowners, condo, and renters insurance. Visit **TexasHealthOptions.com** to learn more about health insurance and your options for coverage.

TDI can help you resolve complaints about insurance. Each year, we help thousands of Texans get millions of dollars in additional claim payments and refunds.

What we can help with

We can help with complaints against the insurance companies, health maintenance organizations (HMOs), agents, and adjusters we regulate. We can't help with complaints about body shops, building contractors, mortgage companies, doctors, and other service providers. If you have a complaint against a service provider, send it to the agency that regulates the provider.

We can help with these types of insurance complaints:

- claim denials;
- late or slow payment of claims;
- policy cancelations and nonrenewals;
- health care treatment denials;
- poor customer service;
- misrepresentation about what a policy covers;

- discriminatory rate increases;
- false or misleading advertising; and
- suspected insurance fraud.

We aren't able to:

- decide who was at fault in an accident;
- determine the dollar amount of damages or a claim settlement amount;
- force a company to pay a claim, unless the failure to pay violates a law or the provisions of your policy;
- settle a dispute when you and the company or agent disagree about the facts;
- give legal or medical advice; or
- decide about health care treatments or services.

Even if we can't resolve your complaint, our involvement might cause a company to look more closely at your issue and better address your concerns. Your complaints and questions also help us identify potential problems with insurance companies, HMOs, agents, and adjusters.

Complaints against another person's insurance company

If your complaint is against another person's insurance company, our ability to help you might be limited. For instance, we probably won't be able to help if you're in a wreck and the other driver's insurance company won't accept liability and pay your claim.

Health plan complaints

There are two kinds of health plans, fully funded health plans and self-funded plans.

- A **fully funded plan** is one in which the insurance company or HMO pays claims. These plans are also called fully insured plans. Most health plans offered through small- and medium-sized employers are fully funded.
- A **self-funded health plan** is one in which the employer pays its employees' claims. The employer may hire an insurance company or someone else to handle the claims process and paperwork. Most large employers have self-funded plans.

TDI regulates fully funded health plans and can help you resolve complaints against them. We usually can't help with complaints against self-funded plans. The U.S. Department of Labor regulates self-funded plans.

If you have a complaint against a self-funded health plan offered by a government or church employer, follow the complaint procedures in your benefits booklet. If you have a complaint against a self-funded health plan offered by a private-sector employer or union, file the complaint with the U.S. Department of Labor. For more information, call the **Department of Labor's Dallas Regional Office** at **972-850-4500**.

What kind of health plan do I have?

To find out what kind of plan you have, look at your health plan card. If it says "TDI" or "DOI," you have a fully funded health plan. You can also ask the benefits administrator where you work.

Before you file a complaint with us

Call your insurance company first. Many complaints can be resolved by talking to the company about your issue.

Most insurance companies have a toll-free customer help line. The phone number is printed on your policy. You can also call our Consumer Help Line or use the Company Lookup feature on our website at apps.tdi.state.tx.us/pcci/pcci_search.jsp.

Other ways to resolve your dispute

- Most auto and homeowners policies allow you to resolve some disputes through a process called “appraisal.” The appraisal process is for disputes about the amount of your damage. Ask your company if your policy allows appraisal. If you use the appraisal process, you and the insurance company will each hire an appraiser. The appraisers try to agree on the amount of damage. If they can’t agree, an independent “umpire” will decide. You pay for your appraiser and half the fees and expenses for the umpire, if one is needed.
- Health plans have a process for you to appeal denied claims. Ask your health plan about the appeals process.
- If your health plan denies a treatment or health service, you might be able to have an independent review organization (IRO) review the denial. The insurance company or HMO must pay for the review and follow the IRO’s decision. You must appeal the denial with your health plan before asking for an IRO review. For more information, visit <http://www.tdi.texas.gov/pubs/consumer/cb057.html> . You can also call our **IRO Information Line** at **1-866-554-4926** or email URAGrp@tdi.texas.gov.

- If you have a dispute about a bill from a hospital-based out-of-network provider or an emergency care provider, you might be able to reduce the amount you owe through mediation. During mediation, the provider and your health plan discuss your bill. The goal is to agree on how much the provider will charge, how much your plan will pay, and how much you must pay. If they can't agree, an independent mediator will try to resolve the dispute. Not all claims are eligible for mediation.

Once your provider gets notice that you've requested mediation, the provider may not try to collect payment from you (other than for copayments, deductibles, and coinsurance) until the mediation ends or you withdraw your request.

For more information about mediation, visit www.tdi.texas.gov/consumer/cpmmediation.html.

Filing a complaint

If you're unable to resolve your dispute, file a complaint with us. To look into your complaint, we'll need this information from you:

- your name, address, and daytime phone number;
- the names of the insurance company, agents, or adjusters your complaint is about;
- your policy number;
- your claim number and the date of your loss;
- a copy of both sides of your health insurance card, if your complaint involves health insurance;
- a description of the problem; and

- what you believe would be a fair resolution of your complaint.

There are two ways to file a complaint.

1. Use our Online Complaint Portal at www.tdi.texas.gov/consumer/complfrm.html to file your complaint electronically.



Note: The portal will time out after two hours of inactivity. To avoid losing what you've entered, type your text in a document outside the portal and copy it over. The portal works only in the Internet Explorer 11 and Google Chrome browsers on a PC.

2. Print the PDF complaint form and mail or email it to us. You can save the form to your computer and type in your responses. If you save it to your computer, sign the form by typing your name in the signature field. Get the PDF form at www.tdi.texas.gov/forms/consumer/cp012complform.pdf.

Send the paper form to us one of these ways:

- **Email:** ConsumerProtection@tdi.texas.gov
- **Mail:** Consumer Protection, MC 111-1A, Texas Department of Insurance, PO Box 149091, Austin, TX 78714-9091
- **In person:** Consumer Protection, Texas Department of Insurance, 333 Guadalupe St., Austin, TX 78701
- **Fax:** 512-490-1007

Sending documents to support your complaint

If you need to submit documents or photos with your complaint, you can upload them on the Online Complaint Portal or email them to us at ConsumerProtection@tdi.texas.gov. We can accept PDF, Word, and Excel documents. We can accept photos in JPG format. You can also send paper copies to us by regular mail or fax. We can't accept links to online documents, pictures, or videos.

Privacy of the information you send us

To help resolve your complaint, we need to share the information you send us with the person or company you complained about. You must sign a consent form allowing us to share the information. If you don't sign the consent form, we might not be able to help you.

Some of the information in your complaint can be given to anyone who requests it under the Texas Public Information Act. We will not give out medical records, financial information, email addresses, and other information that's confidential by law.

What to expect after you file a complaint

After you file your complaint with us, we will:

- Tell the company about your complaint and ask for a response.
- Send you a letter with the company's response and an explanation of the outcome. This will usually be within 60 days after we get your complaint.
- Decide whether the company violated the terms of your policy or certificate of coverage.

- Decide whether the company, agent, or adjuster broke insurance laws. If a law was broken, we can take enforcement action.

What to do if we can't help you

For some disputes, your only option might be to resolve your issue in court. If the amount of your claim is less than \$10,000, you might be able to use Justice Court. You don't need an attorney in Justice Court and the process is more informal than regular court. For more information, call your county Justice of the Peace office.

For other disputes, talk to an attorney about your options.

Be claim smart

Most of the complaints we get are disputes about claim settlements or denials. Follow these tips to help avoid problems:

- **Read your policy carefully.** A policy is a contract between you and the insurance company. Read your policy to understand what's covered and what's not.
- **Read the Consumer Bill of Rights.** The Consumer Bill of Rights explains your rights and responsibilities. There are bills of rights for auto and homeowners insurance. Insurance companies must include a copy of the bills of rights with your auto and homeowners policies. You can also view them on our Consumer Bill of Rights web page.
- **Take notes about calls with the insurance company.** Include the date and what you talked about. Include the name and title of the person you spoke with.

- **Ask the company to show you the policy language it used to decide.** The disagreement might be because you and the company read your policy differently.

Auto and homeowners insurance claim tips

- Keep all receipts for repairs you make to your damaged property. Auto and homeowners policies may require you to make reasonable temporary repairs to prevent further damage. Your policy covers the cost of these repairs. If possible, take pictures or videos of your damaged property before making any repairs.
- Don't make permanent repairs until the adjuster has seen the damage. Also, don't throw away damaged items until the adjuster has seen them. Try to be there when the adjuster looks at your property.
- Ask the adjuster for an explanation of the claim settlement offer. For homeowners claims, the claim settlement offer will include a list of your damaged items, along with their replacement cost value and depreciation. Find out how the adjuster got the cost estimates.
- Be prepared to negotiate. If your repair or replacement estimates are higher than the company's settlement offer, talk to your adjuster. If you have receipts, ads, or other documents that show a higher replacement cost, give them to your adjuster. You can also have your contractor and the adjuster talk about repair or replacement costs.
- Save receipts for the items you replace. If you have replacement cost coverage, you must show you actually replaced an item before the company will pay you fully for it.

- Get witness statements and police reports if you're in an accident. If you're in a wreck caused by another driver, independent witness statements and police reports can help prove fault. This could be important if the other driver denies causing the accident and the insurance company refuses to pay your claim.

Health insurance claim tips

- Use doctors and health care providers in your network. Some health plans contract with doctors and other providers to treat the plan's members. These plans usually require you to go to doctors in your network for nonemergency care. If you go to doctors who aren't in your network you might have to pay the full cost yourself.
- Find out in advance if the providers treating you are in your network. This is especially important if you're in the hospital. Even if the hospital is in your network, some people assigned to your care might not be. If you have surgery, for instance, the surgeon might be in your network but the anesthesiologist might not be. Out-of-network providers can bill you for the cost of your care that your health plan won't pay. If you know in advance that an out-of-network provider will be treating you, you might be able to negotiate a lower rate with the provider.
- Ask your doctor to use in-network labs. If you have blood work or other tests in your doctor's office, the doctor might send the tests to an outside lab for processing. If the lab isn't in your network, it can bill you for the costs that your health plan won't pay.

- Find out in advance whether you need a referral to see specialists. If you have a primary care doctor, your health plan will usually require you to get a referral before going to a specialist. If you don't get a referral, you might have to pay the full cost yourself. Before you schedule an appointment with a specialist, ask your health plan whether you need a referral.
- Ask your plan whether it needs to approve treatments in advance. Some health plans require you to get approval in advance for some treatments and services. If you don't get approval, the plan might not pay for the service.
- Know your rights and responsibilities. Read your health plan's benefits booklet to understand your rights and responsibilities. Understand what services are covered, whether there are any restrictions, and the amount you must pay for care.

Workers' compensation complaints

Workers' compensation claim disputes are handled through a formal process. If you have a dispute about your workers' compensation claim, call your local Division of Workers' Compensation office. For more information, call **DWC** at **1-800-252-7031**.



TEXAS DEPARTMENT OF INSURANCE

Compliance Division - Consumer Protection (111-1A)

333 Guadalupe, Austin, Texas 78701 ★ PO Box 149091, Austin, Texas 78714-9091
(800) 252-3439 | F: (512) 490-1007 | TDI.texas.gov | @TexasTDI

Date _____

Complaint Form

► Submitting your complaint

Please fill out all portions of the complaint and authorization forms and sign the form at the end. Send your complaint to the Texas Department of Insurance one of these ways:

Online Complaint Portal: www.tdi.texas.gov/consumer/complfrm.html

Email: ConsumerProtection@tdi.texas.gov

Fax: 512-490-1007

In person: 333 Guadalupe, Austin, Texas 78701

Mail: Consumer Protection, MC 111-1A

Texas Department of Insurance

PO Box 149091

Austin, Texas 78714-9101

Note: We can only accept hard copies, CDs, USB flash drives, and email attachments with documents, photos, and videos in PDF or JPEG format. We can't accept links to online documents and pictures.

► Contact information

Name _____ Provider (if applicable) _____

Address _____ Apartment or suite number _____

City _____ State _____ ZIP _____

Preferred phone _____ Work phone _____

► Policyholder information (if different than above)

Name _____

Address _____

City _____ State _____ ZIP _____

► My complaint is against

Insurance company name _____ Insurance agent/agency name _____

Insurance adjuster name _____ Other name _____

► Policy information

Insurance policy number _____ Claim number _____ Date of loss _____

Type of policy (accident, annuity, automobile, bond, commercial, disability, flood, federal, health, HMO, homeowner, liability, life, Medicare supplement, PPO, title, warranty contract, windstorm, workers' compensation)

Approval to share your health information and other private facts

Authorization to disclose information

To help you, we might need to share information you gave us in your complaint with the person or organization that your complaint is about. Some of the information we need to share might be: (1) about your health, and (2) facts that ID you, for example, your address and birth date. By law, we need your approval to share this information.

► Who has the complaint?

Name of person who has the complaint

Other names used by the person who has the complaint

Date of birth

Address

City

State

ZIP

Phone

Other phone number

Email address (optional)

► Who can get and use your information?

By signing this form, you allow the Texas Department of Insurance to share your information with: (1) state and federal government agencies, (2) international regulatory agencies, (3) law enforcement, and (4) the person or organization that the complaint is about:

Name of person or organization that the complaint is about

Address

City

State

ZIP

Phone

Fax

► What can be shared?

By signing this form, you allow TDI to share the complaint, your health information, and other private facts.

To allow us to share the following information, you must sign or type your name next to each item:

_____ Mental health records (excluding psychotherapy notes)

_____ Genetic information (including genetic test results)

_____ Drug, alcohol, or substance abuse records

_____ HIV/AIDS test results/treatment

_____ Motor vehicle records

► When will this approval end?

This approval will end if:

- The person with complaint turns 18 years old (the complaint was filed for a person 17 or younger).
- The person who has the complaint tells us they no longer want to file a complaint.
- The person who has the complaint dies. or
- You enter an end date for this agreement here (this is optional): _____

Month (MM) / Day (DD) / Year (YYYY)

► What are your rights?

You have the right to see and get facts we have about you. If you want to get information we have about you, you must ask us in writing. You might need to pay to get a copy of this information. You can send your letter or email one of these ways:

Email: OpenRecords@tdi.texas.gov

Fax: 512-490-1021

In person: 333 Guadalupe, Austin, Texas 78701

Mail: Public Information Coordinator, MC 110-1C

Texas Department of Insurance

PO Box 149104, Austin, Texas 78714-9104

You have the right to ask that we fix information we have about you that is wrong. If you want to ask that we fix information we have about you that is wrong, you must ask us in writing. The letter or email must have: (1) your name and mailing address, (2) your phone number, (3) details about what needs to be fixed, and (4) the reason or proof showing why the information is wrong. You can send your letter or email one of these ways:

Email: RecordCorrections@tdi.texas.gov

Fax: 512-490-1025

In person: 333 Guadalupe, Austin, Texas 78701

Mail: Record Correction Request, MC 113-1C

Texas Department of Insurance

PO Box 149104, Austin, Texas 78714-9104

You have the right to cancel or change this approval. If you want to cancel this approval or change who can get your health information and other private facts, you must ask us in writing. You can email ConsumerProtection@tdi.texas.gov or send a letter to the address or fax number at the top of this form. Any actions taken and information shared before we get your letter or email are covered by this signed agreement.

► Sign below to show you:

- agree to allow TDI to share my health information and other private facts as listed on this form;
- know TDI might share my information with organizations that are covered in Texas Health and Safety Code section 181.154(c); and
- know TDI is not responsible for health information or private facts shared by the people or other organizations listed on this form.

Person who has the complaint or their authorized representative

Date

(Please type your name in the signature block if you're filling out electronically.)

If an authorized representative signs this form:

1. Print their name: _____

2. How are they related to the person with the complaint: Parent Guardian Other: _____

If the complaint is on behalf of a person who is age 17 or younger, that person must sign here to allow us to share facts about: (1) birth control / reproductive care; (2) sexually transmitted diseases; (3) drug, alcohol, or substance abuse; and (4) mental health treatment.

Person who is age 17 or younger

Date

The information in this publication is current as of the revision date. Changes in laws and agency administrative rules made after the revision date may affect the content. View current information on our website. TDI distributes this publication for educational purposes only. This publication is not an endorsement by TDI of any service, product, or company.



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