



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

To: Texas Workers' Compensation System Participants

From: Texas Department of Insurance, Division of Workers' Compensation

Date: March 1, 2013

Subject: **Process for Appealing a Medical Fee Dispute Decision for Disputes Filed on or After June 1, 2012**

If a party disagrees with a medical fee dispute decision issued for a dispute filed on or after June 1, 2012, the party may file an appeal with the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) in accordance with 28 Texas Administrative Code (TAC) §133.307.

Under 28 TAC §133.307(g), a party appealing a medical fee dispute decision must request a benefit review conference no later than 20 days from the date the decision is received by the party [See 28 TAC §141.1, regarding *Requesting and Setting a Benefit Review Conference*]. The decision is final if a request for the benefit review conference is not timely made to the TDI-DWC.

If the medical fee dispute remains unresolved after a benefit review conference is held, a party may elect to resolve the dispute through binding arbitration, or a party may appeal the medical fee dispute decision by requesting a contested case hearing before the State Office of Administrative Hearings (SOAH).

To request a contested case hearing before SOAH, a party shall file a written request with the TDI-DWC's Chief Clerk of Proceedings not later than 20 days after conclusion of the benefit review conference.

Please note the non-prevailing party to a dispute must reimburse the TDI-DWC for the costs for services provided by the SOAH and any interest required by law as provided by that in Texas Labor Code §413.0312 and 28 TAC §133.307(h). For additional information on SOAH costs, visit the TDI website at <http://www.tdi.texas.gov/wc/mfdr/documents/soahmfdccchcosts.pdf>.

Additional information on medical fee dispute resolution can be found on the TDI website at <http://www.tdi.texas.gov/wc/mfdr/index.html>.

For further information, contact *CompConnection for Health Care Providers* at 1-800-372-7713, option 3.