



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

To: Texas Workers' Compensation System Participants

From: Teresa Carney, Director for System Monitoring and Oversight

Date: April 3, 2014

Subject: Accurate and Timely Reimbursements of Treating Doctor and Designated Doctor Services

Based on recent inquiries, the Division of Workers' Compensation (DWC) reminds workers' compensation system participants that several provisions in the Texas Labor Code and DWC rules regulate accurate and timely reimbursements of health care provider services.

- Texas Labor Code §408.027 and 28 Texas Administrative Code (TAC) §133.240 (regarding Medical Payments and Denials) require insurance carriers to take final action (i.e., pay, reduce, or deny) or determine to audit a medical bill in accordance with §133.230 no later than 45 days after receiving a complete medical bill. In addition, insurance carriers must pay interest on medical bills, in accordance with 28 TAC §134.130 (regarding Interest for Late Payment on Medical Bills or Refunds), paid on or after the 60th day after the insurance carrier originally received a complete medical bill.
- 28 TAC §133.210 (regarding Medical Documentation) provides that it is the insurance carrier's obligation to furnish its agents with any documentation necessary for the resolution of a medical bill. Also, the DWC considers any medical billing information or documentation possessed by the insurance carrier or its agents to be simultaneously possessed by the insurance carrier and all its agents.
- Texas Labor Code §408.0041 requires insurance carriers to reimburse designated doctors for examinations ordered by the Commissioner of Workers' Compensation. In addition, Section 408.0041 requires insurance carriers to reimburse treating doctors for examinations to determine maximum medical improvement/impairment rating (MMI/IR) that occur after a designated doctor issues the first impairment rating.
- 28 TAC §134.204 (regarding Medical Fee Guideline for Workers' Compensation Specific Services) establishes reimbursement amounts for designated doctor examinations and all other MMI/IR examinations. Also, the DWC reminds system participants that the rule does not permit discounts to the established reimbursement amounts.

The DWC also reminds workers' compensation system participants that failure to comply with provisions in the Texas Labor Code and DWC rules is an administrative violation pursuant to Texas Labor Code Chapter 415. Any system participant may file a complaint online on the Texas Department of Insurance website at <http://www.tdi.texas.gov/consumer/complfrm.html>.

For additional questions, contact Comp Connection for Health Care Providers at 800-372-7713, option 3 (in the Austin area, dial 512-804-4000) or e-mail medben@tdi.texas.gov.