



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

Acadian Ambulance Services

Respondent Name

Insurance Co of the State of PA

MFDR Tracking Number

M4-17-0500-01

Carrier's Austin Representative Box

Number 19

Fee Dispute Request Received

October 24, 2016

Response Submitted by:

Flahive, Ogden & Latson

REQUESTOR POSITION SUMMARY

"Meridian Health was filed on January 21, 2016...the bill was partially paid by Meridian Health...Acadian Ambulance was not contacted during that time...July 12, 2016, the patient contacted Acadian Ambulance to inform us that this was a work injury claim. The Workers' Compensation Insurance information was received and July 14, 2016 the HCFA, Medical Records and a copy of the Meridian Health's EOB was submitted..."

RESPONDENT POSITION SUMMARY

"The EOBs raise the issue of timely filing..."

SUMMARY OF REQUEST AND DIVISION ORDER

Disputed Dates of Service	Disputed Service	Disputed Amount	Division Order
December 5, 2015	Ambulance Transport - Ground	\$502.92	\$0.00

AUTHORITY

Texas Labor Code §413.031 (c) In resolving disputes over the amount of payment due for medically necessary services for treatment of the compensable injury, the role of the medical fee dispute resolution program is to adjudicate the payment given the relevant statutory provisions and commissioner rules.

Rule at 28 Texas Administrative Code §133.307 sets out the process for medical fee dispute resolution applicable to requestors, respondents, and the Division.

Claim Adjustment Reason Codes

The insurance carrier reduced payment for the disputed service with the following claim adjustment reason codes:

- Explanation Of Benefits (EOB) issued July 28, 2016
 - 29 The time limit for filing has expired
 - 937 Service(s) are denied based on HB7 provider timely filing requirement

2. Explanation of Benefits issued May September 27, 2016
 - 16 Claims lacks information which is needed for adjudication
 - 29 The time limit for filing has expired
 - W3 Additional payment made on Appeal/Reconsideration
 - 937 Service(s) are denied based on HB7 provider timely filing requirement
 - Z0001 For explanation of a non-payment by the adjuster, please contact the adjuster on file

Findings

Acadian, a ground ambulance transport provider, requested payment from Insurance Company of the State of PA, a workers' compensation carrier, for service provided to a covered injured employee. Insurance Company of the State of PA denied payment and explained that Acadian did not submit the medical bill for payment within 95 days from the date of the service. In its request for reconsideration, Acadian argued that it qualified for an exception to the 95-day filing deadline and asked Insurance Company of the State of PA to reconsider payment. The carrier responded and maintained its original denial. Acadian was dissatisfied with the outcome of reconsideration and proceeded to file a medical fee dispute to the Division.

Acadian has the burden to prove that the disputed amount is due. The Division's role is to decide whether that burden is met. In this case, Acadian has the burden to: (1) prove that it qualified for an exception to the 95-day filing deadline; and (2) demonstrate that the disputed amount is consistent with the applicable Division reimbursement rule(s).

1. Did Acadian timely submit its medical bill to Insurance Company of the State of PA for payment?

Health care providers must file a complete medical bill within 95 days from the date of service;¹ however there are exceptions to this 95-day deadline. If an exception is met, the health care provider's deadline to submit a complete medical bill to the correct workers' compensation carrier is tolled up to and including the date that the health care provider is notified that a group accident, group health, HMO (health maintenance organization), or the incorrect workers' compensation carrier was erroneously billed.² The health care provider then has 95 days from the date that it is notified to bill the correct workers' compensation carrier.

Acadian erroneously billed Meridian Health for the services in dispute. On July 12, 2016, Acadian was notified by the injured employee that the transport was for a work-related injury. Two days later, Acadian then billed Insurance Company of the State of PA (July 14, 2016).

Acadian billed Insurance Company of the State of PA 95-days from the date that it learned of the erroneous billing. In its response to this medical fee dispute, Insurance Company of the State of PA argued that the information submitted to them by Acadian prior to medical fee dispute was not sufficient to support that an exception to the 95-day deadline was met. The Division disagrees. We therefore find that Acadian met its burden to prove that it qualified for an exception under Texas Labor code §408.0272 and that it filed the service in dispute within 95-days from the date that it was notified of the initial erroneous billing to the health plan.

2. What standard for payment applies to the services in dispute?

The service in dispute is a ground ambulance transport service billed under Healthcare Common Procedure Coding System (HCPCS) service code A0427 and corresponding mileage code A0425. Under the Division's general reimbursement Rule at 28 Texas Administrative Code §134.1(e), payment for health care is calculated by applying a fee from an adopted Division rule or by applying a negotiated contract rate. In the absence of an applicable fee calculation or a negotiated contract, the payment is subject to the Division's general fair and reasonable requirements described in §134.1(f).³

¹ Texas Labor Code § 408.027 and 28 Texas Administrative Code [§133.20](#)

² Texas Labor Code § 408.0272

³ 28 Texas Administrative Code [§134.1](#)

Review of the Division’s fee guidelines finds that there is no fee guideline with an adopted reimbursement methodology for ground ambulance services.⁴ Furthermore, review of the documentation finds no evidence of a negotiated contract. Consequently, the Division’s general fair and reasonable standard of payment applies to the service in dispute.

3. *Did Acadian meet its burden to prove that the amount it seeks is a fair and reasonable payment?*

28 Texas Administrative Code §133.307(c)(2)(O) states that when filing a fee dispute for services paid under the Division’s general fair and reasonable standard, the health care provider shall provide “documentation that discusses, demonstrates, and justifies that the payment amount being sought is a fair and reasonable rate of reimbursement in accordance with §134.1 of this title . . . when the dispute involves health care for which the Division has not established a maximum allowable reimbursement (MAR) or reimbursement rate, as applicable.”⁵

On August 1, 2018 the Division sent a request to Acadian for information. The request was sent via email delivery to the contact listed on the medical fee dispute form filed by Acadian. The Division asked Acadian to provide documentation that discusses, demonstrates or justifies that the payment amount sought is fair and reasonable. The listed due date was August 14, 2018. Although the contact for Acadian acknowledged the request via email response on August 3, 2018, the requested information was not appended nor was the requested information subsequently provided. For that reason, we base our decision on the information available and conclude that Acadian did not meet its burden to prove that the disputed amount is fair and reasonable rate of payment.

Decision

Acadian did not meet its burden to prove that the amount of payment it seeks from Insurance Company of the State of PA is fair and reasonable. Consequently, Acadian’s request for reimbursement is denied.

DIVISION ORDER

The undersigned has been delegated authority by the Commissioner of the Division of Workers’ Compensation to sign this official order. For the reasons stated, the amount ordered is \$0.00.

Authorized Signature

Signature	Medical Fee Dispute Resolution Director	October 3, 2018 Date
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⁴ See [Medical Fee Dispute Decision M4-12-1496-01](#), and [State Office of Administrative Hearings \(SOAH\) Decision 454-15-0681.M4](#)

⁵ 28 Texas Administrative Code [§133.307](#)

RIGHT TO APPEAL

Either party to this medical fee dispute may seek review of this Division decision. To appeal, submit form DWC Form-045M titled ***Request to Schedule, Reschedule, or Cancel a Benefit Review Conference to Appeal a Medical Fee Dispute Decision (BRC-MFD)*** found at <https://www.tdi.texas.gov/forms/form20numeric.html>.

Follow the instructions on pages 3 and 4. The request must be received by the division within twenty days of your receipt of this decision. This decision becomes final if the request for review of a this decision is not timely made.

The request may be faxed, mailed or personally delivered to the division using the contact information listed on the form or to the field office handling the claim.

If you have questions about the DWC Form-045M, please call CompConnection at 1-800-252-7031, Option 3 or you may email your question to CompConnection@tdi.texas.gov

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 1-800-252-7031, Option 1.