



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

PROFESSIONAL EMERGENCY SERVICES

Respondent Name

ACE AMERICAN INSURANCE COMPANY

MFDR Tracking Number

M4-17-3604-01

Carrier's Austin Representative

Box Number 15

MFDR Date Received

August 9, 2017

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "I would like to collect whatever interest is due as requested in the Reconsideration and the Fee Dispute filings pursuant to 28 TAC 134.130 (a)."

Amount in Dispute: Interest

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Payment in the amount of \$172.56 was issued on 8/25/17. Upon receipt of the Medical Dispute, the bill was sent back for processing. Attached is the EOR. Additional payment of \$15.00 has been recommended. Once payment has been issued, I will file an addendum with payment information."

Response Submitted by: ESIS

SUMMARY OF FINDINGS

Date(s) of Service	Disputed Service(s)	Amount In Dispute	Amount Due
November 1, 2016	99214 and 99080-73	\$187.56	\$0.00
	Interest	\$5.71	\$5.71
TOTAL		\$5.71	\$5.71

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

- 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
- 28 Texas Administrative Code §134.130 sets out the procedures for Interest for Late Payment on Medical Bills and Refunds.
- Texas Labor Code §413.019 sets out the procedures for Interest Earned for Delayed Payment, Refund, or Overpayment regarding medical services and fees.
- Texas Labor Code §401.023 sets out the procedures for computation of Interest or Discount Rate.

Issues

1. Did the insurance carrier issue payment for the disputed charges?
2. What is the date the insurance carrier received the medical bill?
3. What is the interest due per 28 Texas Administrative Code §134.130?
4. Is the requestor entitled to additional reimbursement?

Findings

1. The requestor billed the amount of \$187.56 for CPT code(s) 99214 and 99080-73, rendered on November 1, 2018. Review of the submitted documentation supports that the insurance carrier issued payments totaling \$187.56. The requestor in correspondence to the Division confirmed receipt of payment for the disputed services, however seeks payment for the interest not reimbursed by the insurance carrier.
2. The requestor alleges that interest is due for the service in dispute. Pursuant to 28 Texas Administrative Code §134.130(a) "Insurance carriers shall pay interest on medical bills paid on or after the 60th day after the insurance carrier originally received the complete medical bill, in accordance with §133.240 of this title (relating to Medical Payment and Denials). Review of the submitted documentation (EOBs) establishes that November 3, 2016 is the receipt date of the medical bill. The Division, therefore concludes that the date the carrier originally received the complete medical bill is November 3, 2016. The Division finds that the requestor is entitled to reimbursement for the interest and interest is determined pursuant to 28 Texas Administrative Code §134.130(c) & (d).
3. 28 Texas Administrative Code §134.130(c) states, "The rate of interest to be paid shall be the rate calculated in accordance with Labor Code §401.023 and in effect on the date the payment was made."
28 Texas Administrative Code §134.130 "(d) Interest shall be calculated as follows: (1) multiply the rate of interest by the amount on which interest is due (to determine the annual amount of interest); (2) divide the annual amount of interest by 365 (to determine the daily interest amount); then (3) multiply the daily interest amount by the number of days of interest to which the recipient is entitled under subsection (a) or (b) of this section.
28 Texas Administrative Code §134.130 "(e) The percentage of interest for each quarter may be obtained by accessing the Texas Department of Insurance's website, www.tdi.state.tx.us." The Division finds that the percentage rate for this quarter is 4.71%.
4. The respondent reimbursed the requestor the amount of \$187.56 for the disputed services. In accordance with 28 Texas Administrative Code §134.130, the amount due for interest is \$5.71. Therefore, an amount of \$5.71 is recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that reimbursement for the interest is due. As a result, the amount ordered is \$5.71.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to reimbursement for the disputed interest amount. The Division hereby ORDERS the respondent to remit to the requestor the interest amount of \$5.71 per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	_____
Signature	Medical Fee Dispute Resolution Officer	Date

May 9, 2019

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision (form DWC045M)** in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. 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.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the Medical Fee Dispute Resolution Findings and Decision** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.