



Medical Fee Dispute Resolution Findings and Decision General Information

Requester Name

Texas Health Rockwall

Respondent Name

New Hampshire Insurance Company

MFDR Tracking Number

M4-24-0197-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

September 26, 2023

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
March 13, 2023	0636 and 0771	\$841.55	\$0.00
Total		\$841.55	\$0.00

Requester's Position

"Per Texas Worker's Comp Reimbursement Guidelines, emergency room visits should be reimbursed at the Medicare APC Rate with a 20% mark up. Emergency room visits do not require prior authorization in emergent situations. Please re-evaluate this claim as the patient was seen for a work comp injury while on the job. Please reprocess and reconsider this claim for payment for the patient listed below, per Texas Workers Compensation rules 408.021, and 408.022."

Amount in Dispute: \$841.55

Respondents' Position

"The provider filed a DWC 60, seeking Medical Fee Dispute Resolution for a date of service of March 13, 2023. The provider billed \$1,539.54. The carrier denied the medical bill for reasons including the fact that the claimant is in the Coventry Health Care Network. This is clearly identified on the carrier's EOB dated April 17, 2023. The provider submitted a response to the carrier's EOB in September 26, 2023. However, the provider failed to explain why the provider should be entitled to any payment in light of the fact that the provider is not in the Coventry Health Care Network."

Response Submitted by: Flahive, Ogden & Latson

Findings and Decision

Authority

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

Statutes and Rules

1. 28 Texas Administrative Code (TAC) §[133.307](#) sets out the procedures for resolving medical fee disputes.
2. Texas Insurance Code (TIC) [Chapter 1305](#) governs workers' compensation health care networks.

Denial Reason(s)

The insurance carrier reduced or denied payment for the disputed services with the following claim adjustment code(s):

- 847 – In accordance with OPPS guidelines, the billed revenue codes requires HCPCS/CPT coding. No separate payment is recommended for a non-package revenue code.
- 5916 – Provider is not within the Coventry Health Care Network (HCN) for this customer. TX insurance code 1305.004 (B) and labor code 401.011.

Issues

1. Are the disputed services out-of-network health care?
2. Under what conditions is the insurance carrier liable for out-of-network healthcare?
3. Is the insurance carrier liable for the disputed services?

Findings

1. The requestor, Texas Health Rockwall, submitted medical fee dispute M4-24-0197-01 to the division for resolution according to 28 TAC §133.307. The dispute concerns outpatient hospital services provided by the requestor on March 13, 2023. Per the submitted documentation and from information known to the division, the injured employee's claim is within the Coventry healthcare certified network. The requestor was not in the network at the time of the date of service. As a result, the requestor provided out-of-network health care to the injured employee.

The Requestor, having provided out-of-network services, asserts that the care provided was "emergency care" such that network-based restrictions are inapplicable, and the respondent carrier is required to pay in accordance with the TLC and DWC rules. A medical fee dispute of this nature is within the jurisdiction of DWC.

2. The requestor submitted the dispute requesting reimbursement for the disputed services as governed by the Texas Labor Code (TLC) legislation and rules, including 28 TAC §133.307. The requirements mentioned in the relevant sections of the TIC, Chapter 1305, are applicable to DWC's ability to apply the TLC legislation and DWC rules for out-of-network health care. TIC §1305.153 (c) provides that "Out-of-network providers who provide care as described by §1305.006 shall be reimbursed as provided by the Texas Workers' Compensation Act and applicable rules of the commissioner of workers' compensation."

TIC §1305.006 titled *INSURANCE CARRIER LIABILITY FOR OUT-OF-NETWORK HEALTH CARE* states, "An insurance carrier that establishes or contracts with a network is liable for the following out-of-network healthcare that is provided to an injured employee:

- (1) emergency care;
- (2) health care provided to an injured employee who does not live within the service area of any network established by the insurance carrier or with which the insurance carrier has a contract; and
- (3) health care provided by an out-of-network provider pursuant to a referral from the injured employee's treating doctor that has been approved by the network pursuant to §1305.103."

The requestor therefore has the burden to prove that the exceptions outlined in the TIC §1305.006 were met for the insurance carrier to be liable for the disputed services. The requestor contends that the disputed services were provided for emergency care in TIC §1305.006(1). TIC §1305.006(2) and (3) were not shown to be applicable in this case.

DWC concludes that the provider failed to meet its burden of proof to establish that the dates of service in dispute were emergency care. TAC §133.307(c)(2)(N) requires a position statement including: (i) the requestor's reasoning for why the disputed fees should be paid or refunded, (ii) how the Labor Code and DWC rules, including fee guidelines, impact the disputed fee issues, and (iii) how the submitted documentation supports the requestor's position for each disputed fee issue.

The position statement did not explain how the care provided on the dates of service were emergency care under TIC §1305.006. Furthermore, for the dates of service at issue, the documentation provided was not sufficient to show that the care provided was for a medical emergency as defined in TIC §1305.004(13). Because the treatment for these dates of service was not shown to be emergency care, the insurance carrier is not liable for this non-network care under TIC §1305.006.

Conclusion

The outcome of this medical fee dispute is based on the evidence presented by the requestor and the respondent at the time of adjudication. Though all evidence may not have been discussed, it was considered. DWC concludes that the insurance carrier is not liable for the disputed services.

Order

Based on the submitted information, pursuant to the Texas Labor Code 413.031, the DWC hereby determines the requestor is entitled to \$0.00 reimbursement for the services in dispute.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

December 18, 2024
Date

Your Right to Appeal

Either party to this medical fee dispute has a right to seek review of this decision under 28 TAC §133.307, which applies to disputes filed on or after **June 1, 2012**.

A party seeking review must submit DWC Form-045M, *Request to Schedule, Reschedule, or Cancel a Benefit Review Conference to Appeal a Medical Fee Dispute Decision (BRC-MFD)* and follow the instructions on the form. You can find the form at www.tdi.texas.gov/forms/form20numeric.html. DWC must receive the request within **20 days** of when you receive this decision. You may fax, mail, or personally deliver your request to DWC using the contact information on the form or the field office handling the claim. If you have questions about DWC Form-045M, please call CompConnection at 1-800-252- 7031, Option three, or email CompConnection@tdi.texas.gov.

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

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