



## Medical Fee Dispute Resolution Findings and Decision General Information

**Requester Name**

Dr. Jeffrey Bruce  
Gibberman

**Respondent Name**

Safety National Casualty Corp

**MFDR Tracking Number**

M4-24-0442-01

**Carrier's Austin Representative**

Box Number 19

**MFDR Date Received**

October 24, 2023

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
December 1, 2022	95886	\$400.00	\$0.00
December 1, 2022	95937	\$400.00	\$0.00
December 1, 2022	95913	\$1500.00	\$0.00
December 1, 2022	A4554	\$30.00	\$0.00
December 1, 2022	A4556	\$25.00	\$0.00
December 1, 2022	A4558	\$25.00	\$0.00
December 1, 2022	A4215	\$25.00	\$0.00
December 1, 2022	A4245	\$20.00	\$0.00
December 1, 2022	A4927	\$20.00	\$0.00
<b>Total</b>		<b>\$2445.00</b>	<b>\$0.00</b>

### Requester's Position

"We utilize a clearinghouse for our workers comp billing in order to receive confirmations incase these issues arise. Attached on page 8 of this appeal you will see a confirmation page from icompEDI. It shows when the claim was faxed on 1/06/2023 and forwarded on 1/11/2023. This constitutes proof of timely filing according to TDI work comp division. After submitting this to workers comp carrier our claim was still denied. Please review the documentation."

**Amount in Dispute:** \$2445.00

## Respondent's Position

"The Requestor has included a copy of a document that supports submitting a bill to the Requestor's/HCP's clearinghouse being accepted on 1/6/2023. This bill was forwarded to Corvel's Clearinghouse on 1/10/2023. The file listed as being accepted by the Payor. However, the bill included within this file was for 3 lines of Supplies that are not paid separately. Subsequent submissions of the bill for total amount of \$2445.00 were received via fax, not Clearinghouse as the Requestor documents in their Position Statement. However, it was not until 8/31/2023 that Corvel received a bill for all services rendered in the full amount of \$2445.00. As such, the bill was denied for timely filing. ...The Requestor subsequently submitted a bill for reconsideration on 10-2-2023 (fax transmission). However, at this point this bill was denied for timely filing of a reconsideration. ...Finally, although the injured worker referenced above is an in-network employee, the Requestor is not contracted with CorVel as a certified network provider. To date CorVel has no record of an out-of-network request from the network treating doctor or the Requestor (as required under Sec. 1305.103 above) for approval by the CorVel Texas CorCare Network for out-of-network health care prior to services being rendered."

**Response Submitted by:** CorVel

## 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 Chapter 1305](#) applies to health care certified networks.

### **Denial Reason(s)**

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

- RP3 – CMS statutory exclusion/svc not paid to physicians.
- P14 – Payment is included in another svc/procedure occurring on same day.
- 18 - Duplicate Claim/Service.
- 242 – Services not provided by network/primary care prov.
- 50 – Bilateral Procedure.
- RG4 – Service is Incidental per Medicare Guidelines
- NNP – Out-of-network approval not requested prior to rendering services.

- 234 – This procedure is not paid separately.
- 29 – Time Limit for Filing Claim/Bill has Expired.
- 96 – Non-Covered Charges.

### **Issues**

1. Is this dispute eligible for medical fee dispute resolution under 28 TAC §133.307?
2. What may be the dispute path for resolving issues pertaining to in-network healthcare?

### **Findings**

1. The requestor filed this medical fee dispute to the DWC requesting reimbursement for the disputed services, governed by the for resolution pursuant to 28 TAC §133.307 titled *MDR of Fee Disputes*. 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 the DWC's ability to apply the TLC legislation and DWC rules for out-of-network health care.

The authority of the Division of Workers' Compensation, to resolve matters involving employees enrolled in a certified health care network is limited to the conditions outlined in the applicable portions of the Texas Insurance Code (TIC), Chapter 1305 and limited application of Texas Labor Code statutes and rules, including 28 TAC §133.307.

Texas Insurance Code §1305.106 provides that "An insurance carrier that establishes or contracts with a network is liable for the following **out-of-network** health care that is provided to an injured employee... (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 Section [1305.103](#)."

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 has the burden to prove that the condition(s) outlined in TIC §§1305.006 and

1305.103 were met in order to be eligible for dispute resolution. The requestor presented insufficient proof and/or documentation to support that it obtained the appropriate approval/referral from the certified healthcare network for the out-of-network health care it provided. Consequently, the services in dispute are not eligible for medical fee dispute resolution pursuant to 28 TAC §133.307.

2. The DWC finds that the disputed services were rendered to an in-network injured employee. The TDI rules at 28 TAC §§10.120 through 10.122 address the submission of a complaint by a health care provider to the Health Care Network. The DWC finds that the disputed services may be filed to the TDI Complaint Resolution Process if the health care provider or facility is dissatisfied with the outcome of the network complaint process. The complaint process outlined in Texas Insurance Code Subchapter I, §1305.401 - §1305.405 and may be the appropriate administrative remedy to address matters related to health care certified networks.

### **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. The DWC finds that the insurance carrier is not liable for the disputed services.

### **Order**

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

### **Authorized Signature**

_____	_____	April 25, 2024
Signature	Medical Fee Dispute Resolution Officer	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](http://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 3, or email [CompConnection@tdi.texas.gov](mailto: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.