



# Medical Fee Dispute Resolution Findings and Decision

## General Information

**Requestor Name**

CHS Brownsville Hospital

**Respondent Name**

Space Exploration Technologies Corporation

**MFDR Tracking Number**

M4-24-0451-01

**Carrier's Austin Representative**

Box Number 19

**DWC Date Received**

October 23, 2023

## Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
July 17, 2023	72141	\$422.96	\$0.00
<b>Total</b>		\$422.96	\$0.00

### Requestor's Position

"Based on the service(s) provided, we expected you to allow \$418.73 for payment on this claim pursuant to the fee schedule in the contract. We received payment in the amount of \$00.00 on this claim, with \$00.00 identified as patient responsibility. Pursuant to your contractual obligations you are required to make further payment in the amount of \$418.73, which is the balance owed to use exclusive of patient responsibility."

**Amount in Dispute:** \$422.96

### Respondent's Position

"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 form 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 rendered to the IW."

**Response Submitted by:** Liberty Mutual Insurance Company

# Findings

## Authority

This medical fee dispute is decided according to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance (TDI), 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.
3. 28 TAC §§10.120 through 10.122 address the submission of a compliant by a health care provider to the Health Care Network.

## Denial Reasons

The insurance carrier reduced or denied the payment for the disputed services with the following claim adjustment codes:

- Note: This claim is part of the CorVel Texas Healthcare Network (TXHCN).
- 242 – Services not provided by network/primary care provider.
- MNP – Out-of-network approval not requested prior to rendering services.

## Issues

1. Did the out-of-network healthcare provider render services to an in-network injured worker?
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 submitted this dispute seeking reimbursement in accordance with 28 TAC §133.307. The dispute concerns non-payment of an MRI provided to an in-network injured employee on July 17, 2023.

A review of the documentation and information known to the DWC finds that the injured workers' claim is within a certified healthcare network. The requestor, an out-of-network provider, rendered services to an in-network injured worker.

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 the 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 DWC concludes that the requestor failed to produce sufficient proof that the services were provided in the event of an emergency, that the location was outside of its service area, or that it had received an out-of-network referral for the treatment of the injured worker.

Upon reviewing the documentation, it has been determined that the requestor did not provide evidence to substantiate any of the exceptions in §1305.006 were met, to be eligible for a review of the disputed services

- 3. The requestor therefore has the burden to prove that the condition(s) outlined in the TIC §1305.006 were met for the insurance carrier to be liable for the disputed services. DWC concludes that the requestor submitted insufficient documentation to prove that any of the conditions outlined in TIC §1305.006 applied to the disputed services. As a result, DWC finds that the insurance carrier is not liable for the out-of-network care in dispute.

**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 Division concludes 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 that the requestor is entitled to \$0.00 reimbursement for the services in dispute.

**Authorized Signature**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

\_\_\_\_\_  
September 30, 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](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 three, 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.