



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Providence Memorial Hospital

Respondent Name

National Union Fire Ins Co of Pitts PA

MFDR Tracking Number

M4-24-0896-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

December 16, 2023

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
March 2, 2022	70450	\$210.18	\$0.00
March 1, 2022	96361	\$77.26	\$0.00
March 1, 2022	96374	\$394.92	\$0.00
March 1, 2022	99284-25	\$702.24	\$0.00
March 1, 2022	J0780	\$0.00	\$0.00
March 1, 2022	J7030	\$0.00	\$0.00
Total		\$1,384.60	\$0.00

Requestor's Position

"This claim has a service date of 3/1/2022. The patient initially presented as self-pay and it was only 5/16/2022 when we found out that the patient had Gallagher bassett [sic]. It was billed to your office on 5/17/2022[sic]. Hence, this claim was billed timely. Please review our supporting documentation and reprocess the claim."

Amount in Dispute: \$1,384.60

Respondent's Position

"The provider filed a DWC 60 seeking medical fee dispute resolution for dates of service of March 1 and March 2, 2022. The provider filed the DWC 60 with the Division on December 15, 2023. The provider should have filed its request for medical fee dispute resolution no later than one year following the date of service. See Rule 133.307(c)(1)(A). Since the provider failed to timely file its DWC 60, the provider's request for medical fee dispute resolution should be dismissed."

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.

Denial Reasons

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

- 5721 – To avoid duplicate bill denial for all reconsiderations/adjustment/additional payment requests, submit a copy of this EOR or clear notation.
- 29 – The time limit for filing has expired.

Issues

1. Did the requestor waive the right to medical fee dispute resolution?

Findings

1. The requestor is seeking payment for emergency room services rendered in March of 2022. The insurance carrier denied the claim based on non-timely submission of the medical bill.

DWC Rule 28 TAC §133.307(c)(1) states:

"Timeliness. A requestor shall timely file with the Division's MDR Section or waive the right to MDR. The Division shall deem a request to be filed on the date the division receives the request.

- (A) A request for medical fee dispute resolution that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute.

- (B) A request may be filed later than one year after the date(s) of service if:
- (i) a related compensability, extent of injury, or liability dispute under Labor Code Chapter 410 has been filed, the medical fee dispute shall be filed not later than 60 days after the date the requestor receives the final decision, inclusive of all appeals, on compensability, extent of injury, or liability;
 - (ii) a medical dispute regarding medical necessity has been filed, the medical fee dispute must be filed not later than 60 days after the date the requestor received the final decision on medical necessity, inclusive of all appeals, related to the health care in dispute and for which the insurance carrier previously denied payment based on medical necessity; or
 - (iii) the dispute relates to a refund notice issued pursuant to a division audit or review, the medical fee dispute must be filed not later than 60 days after the date of the receipt of a refund notice.

The date of the service in dispute is March 1 -2, 2022. The request for medical dispute resolution was received at the Division on December 15, 2023.

Review of the submitted documentation found insufficient evidence to support an exception as detailed above. The requestor has waived their right to MFDR.

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 finds the requester has not established that reimbursement is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

Signature	Medical Fee Dispute Resolution Officer	March 14, 2024 Date
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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 3 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 1-800-252-7031, opción 3 o correo electrónico CompConnection@tdi.texas.gov.