



## Medical Fee Dispute Resolution Findings and Decision

### General Information

**Requestor Name**

VHS HARLINGEN HOSPITAL

**Respondent Name**

XL INSURANCE AMERICA INC

**MFDR Tracking Number**

M4-24-1627-01

**Carrier's Austin Representative**

Box Number 19

**DWC Date Received**

March 28, 2024

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
December 19, 2022	Hospital Outpatient	\$1,068.56	\$0.00
<b>Total</b>		<b>\$1,068.56</b>	<b>\$0.00</b>

### Requestor's Position

"The Hospital's records reflect the patient was injured in work related injury. The Hospital provided the medically necessary services on the above dates of service. The Hospital billed CONDUENT, but the bill was denied. However, despite the Hospital's efforts and Request for Reconsideration CONDUENT has not rendered proper payment."

**Amount in Dispute:** \$1,068.56

### Respondent's Position

"This medical dispute concerns services provided by VHS Harlingen Hospital associated with dates of service December 19, 2022/December 19, 2022. The request for medical dispute resolution is not timely ... It does not appeal that VHS Harlingen Hospital's request for medical fee dispute resolution was made until March 28, 2024. Accordingly, the dates of service at issue is outside of the one-year deadline and the Division lacks jurisdiction to consider this dispute."

**Response Submitted by:** ESIS

## 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

Neither party submitted EOBs for consideration in this dispute.

### Issues

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

### Findings

1. 28 Texas Administrative Code §133.307(c)(1) states:

Timeliness. A requestor must timely file the request with the division or waive the right to MFDR. The division will deem a request to be filed on the date the division receives the request. A decision by the division that a request was not timely filed is not a dismissal and may be appealed pursuant to subsection (g) of this section.

(A) A request for MFDR 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.

The date of the services in dispute is December 19, 2022. The request for medical fee dispute resolution was received on March 28, 2024. This date is later than one year after the date(s) of service in dispute. The Division concludes that the requestor has failed to timely file this dispute; consequently, the requestor has waived the right to medical fee dispute resolution.

### 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 that reimbursement is not 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

April 10, 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, 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 1-800-252-7031, opción 3 o correo electrónico [CompConnection@tdi.texas.gov](mailto:CompConnection@tdi.texas.gov).