



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Methodist Hospital for Surgery

Respondent Name

Texas Mutual Insurance Co

MFDR Tracking Number

M4-24-1688-01

Carrier's Austin Representative

Box Number 54

DWC Date Received

April 2, 2024

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
December 13, 2022	22899-59-22	\$25,000.00	\$0.00
December 13, 2022	22899-59-22	\$24,998.00	\$0.00
December 13, 2022	22899-59-22	\$24,996.00	\$0.00
Total		\$74,994.00	\$0.00

Requestor's Position

"Dr Pineda is a highly specialized general surgeon. He was called in by the spine surgeon to give the spine surgeon access to the spine from the anterior. Code 22899 is 'retroperitoneal access to the spine.' There is no code for this surgery. Therefore, we use this unlisted code. ...We believe, as did the spine doctor who asked Dr. Pineda to scrub in, that Dr. Pineda's services WERE MEDICALLY NECESSARY."

Amount in Dispute: \$74,994.00

Respondent's Position

"One year from disputed date of service 12/13/2022 would have been 12/13/2023. The TDI/DWC date stamp lists the received date as 04/02/20242 [sic] on the requestor's DWC-60 packet, a date greater than one year. The requestor has waived its right to DWC MDR. Our position is that no payment is due."

Response submitted by: Texas Mutual

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:

- 714 – More appropriate code available for anterior retroperitoneal exposure 876.892 an unlisted code that has no established fee schedule reimbursement requires documentation to include an exact description of the health care provided per DWC Rule 133.210 & 134.1(F)(2)(3)
- CAC-P12 – Workers' compensation jurisdictional fee schedule adjustment.
- CAC-16 – Claim/service lacks information or has submission/billing error(s) which is needed for adjudication.
- 714 – Accurate license, CPT/HCPCS, NDC #, dates, units, days supply, modifiers are required. Submit corrections with 95 days from DOS.

Issues

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

Findings

1. The requestor is seeking payment for professional services 22899 – "other procedures on the spine (vertebral column) rendered in December 2022. The insurance carrier denied the claim based on coding and billing errors.

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 December 13, 2022. The request for medical fee dispute resolution was received at the Division on April 2, 2024.

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 requestor 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

April 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. 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.