



Medical Fee Dispute Resolution Findings and Decision General Information

Requester Name

JEFF XINDA ZHAO, DO, PA

Respondent Name

TEXAS MUTUAL INSURANCE CO

MFDR Tracking Number

M4-24-1927-01

Carrier's Austin Representative

Box Number 54

MFDR Date Received

MAY 01, 2024

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
August 24, 2023	28740-78-LT, 20680-78-LT, 15004-78, 15275-78 and 20999	\$6,523.85	\$0.00
Total		\$6,523.85	\$0.00

Requester's Position

"Please review this surgery claim. Please note that prior visits have been paid. We believe the injury and diagnoses are compensable, but they are being denied repeatedly. Auth for Tx Mutual (Wellworks) was previously approved as Dr. Rushing was considered OON. I am hoping this case can be resolved; I am sending all the documents we have on file."

Amount in Dispute: \$6,523.85

Respondent's Position

"This claim is in the WorkWell, TX network. Texas Mutual has reviewed the network provider directory for the provider's name and tax identification number and confirmed no record of JEFF ZHAO DO PA as a participant. As an out-of-network provider, approval is required before rendering service or treatment. Texas Mutual did not receive or find any evidence of out-of-network approval obtained by the requestor ... Since this fee reimbursement dispute involves a network requirement under the Insurance Code rather than the Labor Code, Texas Mutual believes this dispute is outside the jurisdiction of DWC MDR. Our position is that no payment is due."

Response Submitted by: Texas Mutual Workers Compensation Insurance

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 (TIC) [Chapter 1305](#) governs workers' compensation health care networks.

Denial Reason(s)

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

- CAC-243 – Services not authorized by network/primary care providers.
- D27 – Provider not approved to treat WorkWell, TX network claimant. For network information call 844-867-2338.
- 224 – Bill Previously processed. Refer to Rule 133.250 regarding request for reconsideration and submit with original EOB and corrected bill.
- CAC-P12 – Workers' Compensation Jurisdictional Fee Schedule Adjustment.
- CAC-18 – Exact duplicate claim/service.
- D25 – Approved non network provider for WorkWell Network claimant per rule 1305.153 (C).
- 224 – Duplicate charge.

Issues

1. Are the disputed services out-of-network health care?
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, Jeff Zhao, DO, PA submitted medical fee dispute M4-24-1927-01 to the division for resolution according to 28 TAC §133.307. The disputed codes are 28740-78-LT, 20680-78-LT, 15004-78, 15275-78 and 20999 services provided by the requestor on August 24, 2023. Per the submitted documentation, the injured employee's claim is within the WorkWell certified healthcare network. The requestor is not within the WorkWell network, as a result, the requestor provided out-of-network health care to the injured employee.
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."

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. The requestor has submitted insufficient documentation to prove that any of the conditions outlined in TIC §1305.006 applied to the disputed services.

DWC concludes that the requestor failed to demonstrate that any of the conditions of TIC §1305.006 were met in this dispute. As a result, DWC finds that the insurance carrier is not liable for the out-of-network healthcare 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 the requestor is entitled to \$0.00 reimbursement for the services in dispute.

Authorized Signature



May 16, 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. 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.

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.