



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

Mueller Surgery Center
LLC

Respondent Name

Pennsylvania Manufacturers Association

MFDR Tracking Number

M4-24-2782-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

August 17, 2024

Summary of Findings

| Dates of Service | Disputed Services | Amount in Dispute | Amount Due |
|------------------|------------------------------------|-------------------|---------------|
| June 23, 2023 | 11900-platelet rich plasma | \$1,000.00 | \$0.00 |
| June 23, 2023 | 17999-Erbium resurfacing of lip | \$2238.40 | \$0.00 |
| June 23, 2023 | 17999-Micomeedling [sic] upper lip | \$2238.40 | \$0.00 |
| Total | | \$5746.80 | \$0.00 |

Requestor's Position

"...I do understand that the procedure of Microneedling that included resurfacing is normally considered cosmetic and there is no payable fee per Medicare. So I will submit explanation of payments we have received for other injured workers that are still in treatment for (redacted) due to an injury sustained while on the job working. According to Texas Administrative Code, Title 28, part 2, and chapter 134. It is up to our practice to prove what is reasonable and customary per similar circumstances."

Amount in Dispute: \$5,746.80

Respondent's Position

"The DWC 60 packet includes the billing records and the carrier's EOBs. The carrier relies upon the positions it took in the EOBs. However, the carrier is reprocessing the provider's medical bill

and will be supplementing this response.”

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:

- 1014 – The attached billing has been re-evaluated at the request of the provider. Based on this re-evaluation, we find our original review to be correct. Therefore, no additional allowance appears to be warranted.
- 247 – A payment or denial has already been recommended for this service.
- 4915 – The charge for the services represented by the code is included/bundled into the total facility payment and does not warrant a separate payment of the payment status indicator determines the service is packaged or excluded from payment.
- 876 – Reimbursement equals the amount billed.
- 985 – Service is not allowable under Medicare’s ASC guidelines.

Issues

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

Findings

1. The requestor is seeking payment of surgical services rendered in June of 2023. 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 dates of the service in dispute are June 23, 2023. The request for medical dispute resolution was received at the Division on August 17, 2024.

Review of the submitted documentation found insufficient evidence to support an exception as detailed above. The requestor has waived their right to MFDR for dates of service June 23, 2023.

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

January 3, 2025

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.