



Medical Fee Dispute Resolution Findings and Decision

General Information

Requester Name

Hand & Wrist Center of Houston

Respondent Name

Texas Mutual Insurance Company

MFDR Tracking Number

M4-25-1103-01

Carrier's Austin Representative

Box Number 54

MFDR Date Received

January 22, 2025

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
June 6, 2024	99080	\$15.00	\$0.00
June 6, 2024	73140	\$95.20	\$0.00
Total		\$110.20	\$0.00

Requester's Position

Submitted documentation does not include a position statement from the requestor. Accordingly, this decision is based on the information available at the time of adjudication.

Amount in Dispute: \$110.20

Respondents' 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 HAND & WRIST CENTER OF HOUSTON DEPT A as a participant. The attached shows the HAND & WRIST CENTER OF HOUSTON is contracted only for physical and occupational therapy, treatment rendered does not fall under physical medicine. 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.”

Response Submitted by: Texas Mutual Insurance Company

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.
3. Texas Labor Code (TLC) Sections [413.011](#) (d-1) to (d-6) [expired] and 413.0115, as well as former division Rule at 28 TAC §[133.4](#) sets out certain provisions related to informal and voluntary insurance networks.
4. TLC §[413.031](#) entitles health care providers to a review of services if payment is reduced.

Denial Reason(s)

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

- P12 - WORKERS’ COMPENSATION JURISDICTIONAL FEE SCHEDULE ADJUSTMENT.
- 243 - SERVICES NOT AUTHORIZED BY NETWORK/PRIMARY CARE PROVIDERS.
- W3 & 350 – IN ACCORDANCE WITH TDI-DWC RULE 134.804, THIS BILL HAS BEEN IDENTIFIED AS A REQUEST FOR RECONSIDERATION OR APPEAL.
- 18 – EXACT DUPLICATE CLAIM/SERVICE.
- 193 – ORIGINAL PAYMENT DECISION IS BEING MAINTAINED. UPON REVIEW, IT WAS DETERMINED THAT THIS CLAIM WAS PROCESSED PROPERLY.
- DC4 – NO ADDITIONAL REIMBURSEMENT ALLOWED AFTER RECONSIDERATION.
- DC7 – DUPLICATE APPEAL. NETWORK CONTRACT APPLIED BY WORKWELL, TX NETWORK. CALL (888) 532-5246 FOR RECONSIDERATION DISCUSSION.
- D27 - PROVIDER NOT APPROVED TO TREAT WORKWELL, TX NETWORK CLAIMANT.
- 248 - DWC-73 IN EXCESS OF THE FILING REQUIREMENTS; NO CHANGE IN WORK STATUS AND/OR RESTRICTIONS. REIMBURSEMENT DENIED PER RULE 129.5.

Issues

1. Are the disputed services out-of-network health care?
2. If the disputed services are out of network, is the insurance carrier liable for the disputed services under TIC §1305.006?

Findings

1. The requestor, Hand, and Wrist Center of Houston submitted medical fee dispute M4-25-1103-01 to DWC for resolution according to 28 TAC §133.307. The dispute concerns a radiographic service and a Work Status Report provided by the requestor on June 6, 2024. Per the submitted documentation, the injured employee's claim is within the WorkWell Certified Healthcare Network.

The respondent submitted documentation to support that Hand and Wrist Center of Houston is contracted with Align Network for physical medicine and occupational therapy only.

The requestor seeks reimbursement for a radiographic service and Work Status Report rendered on June 6, 2024, billed under CPT codes 73140 and 99080-73, respectively. DWC finds that the services in this dispute are not related to physical and occupational therapy services.

Per TLC §413.011(d-1) to (d-6) and §413.0115, as well as 28 TAC §133.4, other than for certain pharmacy, durable medical equipment, or home health care services, insurance carriers may not contract with informal or voluntary insurance networks to provide workers' compensation services effective January 1, 2011, unless such a former informal or voluntary network was certified as a workers' compensation health care network under Chapter 1305, Insurance Code, no later than January 1, 2011.

Further, the injured employee must be enrolled in the certified workers' compensation network and the certified workers' compensation network must be named on the explanation of benefits, per 28 TAC §133.240(f)(15). Based on the information provided by Texas Mutual Insurance Company, the injured employee is enrolled in the WorkWell network certified in accordance with Texas Insurance Code Chapter 1305.

Based on the information presented by the respondent for review, the division concludes the respondent has failed to support that the healthcare provider is enrolled in the WorkWell certified healthcare network. The respondent did, however, submit sufficient documentation to support that the injured employee is enrolled in WorkWell, a certified worker's compensation HCN.

The requestor was not in the WorkWell network at the time when the date of service was rendered. As a result, the requestor provided out-of-network health care to the in-network injured employee. A medical fee dispute of this nature is within the jurisdiction of DWC.

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 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."

The requestor has the burden to prove that the conditions outlined in TIC §1305.006 were met for the insurance carrier to be liable for the disputed services. TAC §133.307(c)(2)(N) requires a requestor's position statement including: (i) the requestor's reasoning for why the disputed fees should be paid or refunded, (ii) how the Labor Code and DWC rules, including fee guidelines, impact the disputed fee issues, and (iii) how the submitted documentation supports the requestor's position for each disputed fee issue.

DWC finds that the requestor failed to meet its burden of proof to establish 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 health care 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. DWC concludes that the insurance carrier is not liable for the disputed services.

Order

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

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

February 18, 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 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.