



## Medical Fee Dispute Resolution Findings and Decision

### General Information

**Requestor Name**

Texas Health Kaufman

**Respondent Name**

Texas Public School WC Project School Co

**MFDR Tracking Number**

M4-25-1396-01

**Carrier's Austin Representative**

Box Number 18

**DWC Date Received**

February 24, 2025

### Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
February 26, 2024	RC250	\$367.98	\$0.00
February 26, 2024	RC270	\$33	\$0.00
February 26, 2024	RC272	\$86	\$0.00
February 26, 2024	A6453/RC272	\$4	\$0.00
February 26, 2024	C1713/RC278	\$9,102	\$0.00
February 26, 2024	C1781/RC278	\$10,300	\$0.00
February 26, 2024	73610/RC320	\$648	\$0.00
February 26, 2024	27675/RC360	\$4,313.14	\$0.00
February 26, 2024	27698/RC360	\$4,313.12	\$0.00

February 26, 2024	28200/RC360	\$4,313.12	\$0.00
February 26, 2024	29898/RC360	\$44,313.12	\$0.00
February 26, 2024	RC370	\$5,394.50	\$0.00
February 26, 2024	J0131/RC636	\$184.60	\$0.00
February 26, 2024	J0665/RC636	\$13.53	\$0.00
February 26, 2024	J0665/RC636	\$10	\$0.00
February 26, 2024	J0690/RC636	\$30	\$0.00
February 26, 2024	J1100/RC636	\$39.40	\$0.00
February 26, 2024	J1885/RC636	\$29.78	\$0.00
February 26, 2024	J2250/RC636	\$12.50	\$0.00
February 26, 2024	J2405/RC636	\$10	\$0.00
February 26, 2024	J2405/RC636	\$10	\$0.00
February 26, 2024	J2550/RC636	\$10	\$0.00
February 26, 2024	J2704/RC636	\$19.68	\$0.00
February 26, 2024	J3010/RC636	\$25	\$0.00
February 26, 2024	J3370/RC636	\$38.23	\$0.00
February 26, 2024	J3490/RC636	\$466.78	\$0.00
February 26, 2024	J7120/RC636	\$150	\$0.00
February 26, 2024	RC710	\$2,316.25	\$0.00
<b>Total</b>		<b>\$46,553.73</b>	<b>\$0.00</b>

### **Requestor's Position**

“By denying the Hospital’s claim as untimely filed and in part, for lack of preauthorization, the Carrier violated multiple sections of the Texas Labor Code. The Carrier should accept the Hospital’s claim as timely filed, waive the preauthorization issue for billed code RC360, and issue prompt payment of \$13,085.45, the MAR value of this claim.”

**Amount in Dispute:** \$46,553.73

## **Respondent's Position**

"Although CRF does not dispute that Texas Health was affected by the Change Healthcare cyberattack on 2/21/2024 or that it subsequently requested waiver of medical billing filing deadline requirements, it did not receive a 'blanket waiver' or absolution from its obligation to file its bill in a timely manner. As noted in Texas Health's Reconsideration Request from Angela Smith dated 8/29/2024, TDI merely granted Texas Health a 30-day waiver that began on 3/18/2024 and ended on 4/18/2024... Consequently, the hospital bill Texas Health submitted to CRF on 7/25/2024 (beyond 95 days) was not timely filed."

**Response Submitted by:** Creative Risk Funding

## **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 Medical Fee Dispute Resolution requests.
2. [28 TAC §133.20](#) sets out requirements of medical bill submission by health care providers.
3. [Texas Labor Code §408.027](#) sets out requirements for the timely submission of medical bills.

### Denial Reasons

The insurance carrier denied the payment for the disputed services with the following claim adjustment codes:

- 29 – The time limit for filing has expired.
- 97 – The benefit for this service is included in the payment/allowance for another service/procedure that has already been adjudicated.
- M15 – Separately billed services/tests have been bundled as they are considered components of the same procedure. Separate payment is not allowed
- This item is an integral part of an emergency room visit or surgical procedure and is therefore included in the reimbursement for the facility/APC rate.

## Issues

1. Has Texas Health Kaufman supported timely submission of disputed claim?

## Findings

The Texas Department of Insurance published information regarding the Change Healthcare cybersecurity event at, [Claim submission delays](#), "TDI granted a waiver from rule for a 30-day period from March 18, 2024. The waiver ended on April 18, 2024." The list of providers includes Texas Health Resources. DWC will review this request for MFDR based on the provisions of this notice.

1. The requestor is seeking \$46,553.73 for disputed outpatient hospital services rendered on February 26, 2024. Per the explanation of benefit (EOB) documents submitted, the services in dispute were denied due to untimely filing of the medical bill.

DWC Rule 28 Texas Administrative Code §133.20 which sets out requirements of timely medical bill submission, states in pertinent part "(b) Except as provided in Labor Code §408.0272(b), (c) or (d), a health care provider shall not submit a medical bill later than the 95th day after the date the services are provided. In accordance with subsection (c) of the statute, the health care provider shall submit the medical bill to the correct workers' compensation insurance carrier not later than the 95th day after the date the health care provider is notified of the health care provider's erroneous submission of the medical bill. A health care provider who submits a medical bill to the correct workers' compensation insurance carrier shall include a copy of the original medical bill submitted, a copy of the explanation of benefits (EOB) if available, and sufficient documentation to support why one or more of the exceptions for untimely submission of a medical bill under §408.0272 should be applied."

Per Texas Labor Code (TLC) Sec. §408.027, "(a) A health care provider shall submit a claim for payment to the insurance carrier not later than the 95th day after the date on which the health care services are provided to the injured employee. Failure by the health care provider to timely submit a claim for payment constitutes a forfeiture of the provider's right to reimbursement for that claim for payment."

TLC §408.0272(b) then sets out certain exceptions for untimely submission of a claim, stating:

"(b) Notwithstanding Section [408.027](#), a health care provider who fails to timely submit a claim for payment to the insurance carrier under Section [408.027](#)(a) does not forfeit the provider's right to reimbursement for that claim for payment solely for failure to submit a timely claim if:

(1) the provider submits proof satisfactory to the commissioner that the provider, within the period prescribed by Section [408.027\(a\)](#), erroneously filed for reimbursement with:

- (A) an insurer that issues a policy of group accident and health insurance under which the injured employee is a covered insured;
- (B) a health maintenance organization that issues an evidence of coverage under which the injured employee is a covered enrollee; or
- (C) a workers' compensation insurance carrier other than the insurance carrier liable for the payment of benefits under this title; or

(2) the commissioner determines that the failure resulted from a catastrophic event that substantially interfered with the normal business operations of the provider...

(d) Notwithstanding any other provision of this section or Section [408.027](#), the period for submitting a claim for payment may be extended by agreement of the parties."

In its request for reconsideration, the requestor references a cyber security breach event that occurred in February of 2024, and requests a waiver of the 95-day timely filing rule set out in 28 TAC §133.20, due to the cyber security breach event. Review of the documents submitted, DWC finds no evidence of an agreement between the parties, as set out in TLC §408.0272 (d), to extend the claim submission timeline.

DWC finds no documentation to support any exceptions to the untimely filing rule, set out in Labor Code §408.0272. No payment is recommended.

### 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

March 31, 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](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, please 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.tas.gov](mailto:CompConnection@tdi.tas.gov).