



Medical Fee Dispute Resolution Findings and Decision

General Information

Requester Name

Dean Rushing D.C.

Respondent Name

Great West Casualty Corp

MFDR Tracking Number

M4-25-2489-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

June 6, 2025

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
October 31, 2024	Designated Doctor No-Show 99456-52	\$100.00	\$100.00

Requester's Position

"CARRIER IS REQUIRED TO PAY DESIGNATED DOCTOR EXAMS."

Amount in Dispute: \$100.00

Respondent's Position

The Austin carrier representative for Great West Casualty Corp is Flahive, Ogden & Latson. The representative was notified of this medical fee dispute on June 10, 2025.

Per 28 Texas Administrative Code §133.307(d)(1), if DWC does not receive the response within 14 calendar days of the dispute notification, then DWC may base its decision on the available information. As of today, no response has been received from the insurance carrier or its representative. We will base this decision on the information available.

Findings and Decision

Authority

This medical fee dispute is decided according to [Texas Labor Code \(TLC\) §413.031](#) and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation (DWC).

Statutes and Rules

1. [28 Texas Administrative Code \(TAC\) §133.240](#) sets out the procedures for payment or denial of a medical bill.
2. [28 TAC §133.307](#) sets out the procedures for resolving medical fee disputes.
3. [28 TAC §134.240](#) sets out the fee guidelines for designated doctor examinations.
4. [§134.210](#) sets out Medical Fee Guideline for Workers' Compensation Specific Services

Denial Reasons

Neither party submitted an explanation of benefits with reasons for the reduction or denial of payment for the disputed services.

Issues

1. Did Great West Casualty Corp take final action on the bill for the disputed service before medical fee dispute resolution was requested?
2. Is Dean Rushing D.C. entitled to reimbursement for the service in question?

Findings

1. Dr. Rushing is seeking reimbursement for a missed designated doctor examination scheduled for the date of service October 31, 2024. Dr. Rushing argued that he did not receive payment or an explanation of denial for medical bills submitted for the examination in question.

Per 28 TAC §133.307(c)(2)(K), a request for medical fee dispute resolution (MFDR) must include each explanation of benefits (EOB) related to the dispute or, if no EOB was received, convincing documentation demonstrating that the insurance carrier received a request for an EOB.

Per 28 TAC §133.240(a), the insurance carrier is required to take final action by paying, reducing, or denying the service in question not later than 45 days after receiving the medical bill. This deadline is not extended by a request for additional information.

The greater weight of evidence presented to the Division of Workers' Compensation (DWC) indicates that the insurance carrier or its agent received the bill for the services in question. However, no evidence was provided to show that the insurance carrier took final action on this bill.

As the insurance carrier failed to present any defense for non-payment, the DWC finds that Dr. Rushing is entitled to reimbursement for the services rendered

2. The disputed service is reimbursed pursuant to 28 TAC §134.240(b) states, in relevant part, "The designated doctor must bill, and the insurance carrier must reimburse, for a missed appointment when the injured employee does not attend a properly scheduled or rescheduled examination under 28 TAC §127.5(h) - (j).
 - (1) The designated doctor may bill for the missed appointment fee when:
 - (A) the injured employee does not attend a scheduled appointment; and
 - (B) the designated doctor waits at the examination location for at least 30 minutes after the scheduled appointment time.
 - (2) When billing for the missed appointment, the designated doctor must bill CPT code 99456 with modifier '52.'
 - (3) Reimbursement for a missed appointment is \$100 adjusted per §134.210(b)(4)."

No adjustment per §134.210(b)(4) applies to the service in question. Therefore, DWC finds that Dr. Rushing is entitled to a reimbursement of \$100.00.

Conclusion

The outcome of this medical fee dispute is based on the evidence presented by the requester and the respondent at the time of adjudication. Though all evidence may not have been discussed, it was considered.

DWC finds the requester has established that reimbursement of \$100.00 is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requester is entitled to reimbursement for the disputed services. It is ordered that Great West Casualty Corp must remit payment to Dean Rushing D.C. \$100.00 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC §134.130.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

August 25, 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 1-800-252-7031, opción tres o correo electrónico CompConnection@tdi.texas.gov.