



Medical Fee Dispute Resolution Findings and Decision

General Information

Requester Name

South Texas Radiology Group

Respondent Name

Zurich American Insurance Co.

MFDR Tracking Number

M4-26-0234-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

September 23, 2025

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
September 23, 2024	Professional Radiology Services	\$995.92	\$0.00

Requester's Position

"We sent electronic claim to Blue Cross Blue Shield as this is the information we received. BCBS denied our bills. We received a call from the patient & he verified incorrect insurance information was provided. He then provided Zurich claim information. Zurich denied our bills for timely filing. We sent an appeal & have not received a response."

Amount in Dispute: \$995.92

Respondent's Position

"Blue Cross Blue Shield denied the provider's bills on October 11, 2024, yet the provider did not mail the bills to Zurich until April 26, 2025. The provider claims that it received a call from the patient on April 24, 2025, that provided information concerning Zurich. However, we believe that as of October 11, 2024, the provider was on notice that the healthcare carrier was never going to

pay for the bill. It was another 5 ½ months after that date that the provider claims to have mailed the bills to Zurich.”

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 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 §408.0272](#) sets out certain exceptions for the untimely submission of a medical claim.

Denial Reasons

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

Relevant from the Explanation of Benefits (EOB) by BlueCross BlueShield of Texas due to the erroneous claim submission:

- PR-22 - This care may be covered by another payer per coordination of benefits.
- MA04 - Secondary payment cannot be considered without the identity of or payment information from the primary payer. The information was either not reported or was illegible.

Relevant from the EOBs by Zurich:

- 29 - THE TIME LIMIT FOR FILING HAS EXPIRED.

Issues

1. Has the requester waived their right to medical fee dispute resolution?

Findings

1. The requester is seeking \$995.92 for professional radiology services rendered on September 23, 2024.

28 TAC §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.”

Texas Labor Code §408.0272(b) which sets out certain exceptions for untimely submission of a claim, states “(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.”

A review of the submitted EOBs by the health insurance carrier, BlueCross BlueShield, dated October 11, 2024, October 21, 2024, and October 28, 2024, indicates that a different payer (other than BlueCross BlueShield) may be responsible for reimbursement of the services rendered to the injured employee on September 23, 2024.

A review of the submitted EOBs by the workers' compensation insurance carrier, Zurich, finds that the correct workers' compensation carrier first received the medical bill on May 5, 2025, more than 95 days past the date the requester was first notified of the erroneous medical bill submission. DWC finds no evidence of attempts or actions taken by the requester to submit the bill to the correct carrier until more than 95 days past the date the requester was first notified of the erroneous medical bill submission. Therefore, DWC finds that the requester is not eligible for an exception to the 95 day timely medical bill submission requirement in accordance with 28 TAC §133.20 and Texas Labor Code §408.0272

Per documentation submitted, DWC finds no evidence that the disputed medical bill was submitted to the correct insurance carrier within 95 days of the disputed date of service in accordance with 28 TAC §133.20. DWC finds that the medical bill in dispute was first submitted to the correct insurance carrier more than 95 days after the disputed date of service of September 23, 2024.

DWC finds no evidence that any of the exceptions to the 95-day timely filing rule, set out in Labor Code §408.0272, applies in this dispute.

Based on the submitted documentation, DWC finds the requester is not entitled to reimbursement.

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 not established that reimbursement is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requester is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature:

October 22, 2025

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, 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.tas.gov.