

Fast Facts

Information for Health Care Providers about Non-network Claims

Disputes and Complaints in the Workers' Compensation System

Decisions or actions taken within the Texas workers' compensation system can result in parties being in disagreement or dissatisfied. The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) handles these issues — disputes and complaints — through two distinct processes.

What is a dispute?

Disputes are disagreements between system participants involving the entitlement to workers' compensation benefits and the amount to be paid. There are different types of formal disputes in the Texas workers' compensation system:

- An indemnity dispute is a disagreement involving compensability or liability of the insurance carrier for workers' compensation benefits.
- A medical necessity dispute concerns whether or not specific medical treatments or services are medically necessary.
- A medical fee dispute is a disagreement about the denial or reduction of reimbursement for compensable and medically necessary health care already provided (Non-network health care).

Examples of disputes

- Indemnity: denial of the injured employee's claim; denial of periods of disability; disputes of maximum medical improvement dates and/or impairment ratings.
- Medical necessity: denial of medical necessity or denial of a preauthorization request.
- Medical fee dispute: a health care provider receives a denial *Explanation of Benefits* and does not agree with the denial of payment.

When can a dispute be filed?

If a dispute arises in a workers' compensation claim, system participants are encouraged to attempt to resolve the dispute between the parties before filing a dispute with TDI-DWC. A dispute is filed when an action has occurred, but one or more parties are dissatisfied with the outcome.

What is a complaint?

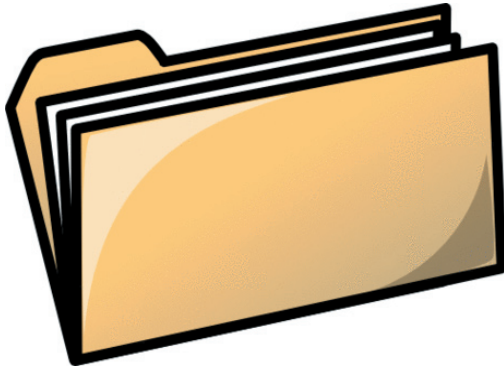
Complaints are grievances in the course of a workers' compensation claim about something that did not happen in accordance with the workers' compensation laws or rules (*Texas Labor Code and/or 28 Texas Administrative Code*).

Examples of complaints

- A payment was issued late by the workers' compensation insurance carrier.
- A required form (DWC Form-69, DWC Form-73, DWC Form-001, etc.) was filed late.
- Commissioner orders were not complied with in a timely manner.
- Unprofessional behavior by a system participant.

When can a complaint be filed?

Before filing a complaint, a party should determine if the issue is a dispute that should be addressed through the TDI-DWC Hearings or Medical Fee Dispute Resolution processes, or through Health and Workers' Compensation Network Certification and Quality Assurance processes. For assistance in determining if an issue is a dispute or a complaint contact Complaint Resolution at (512) 305-7260.



How do I file a dispute?

The following forms are required to initiate the dispute resolution process with TDI-DWC:

- To file an indemnity dispute, a system participant should submit a *Request for Benefit Review Conference* (DWC Form-45), to the TDI-DWC.
- To file a medical necessity dispute, a system participant should submit a *Request for a Review by an Independent Review Organization* (TDI Form LHL009), to the Carrier/URA within the time period specified on the instructions for that form.
- To file a medical fee dispute, a system participant should submit a *Request for Medical Fee Dispute Resolution* (DWC Form-60), to TDI-DWC within the time period specified on the instructions for that form. (Non-network health care)

Forms and filing instructions can be downloaded from the TDI website at <http://www.tdi.state.tx.us/forms/form20all.html> or you can call the TDI-DWC to request that the form be mailed to you.

How do I report fraud?

Use the online form when submitting suspected fraud for review by the Texas Department of Insurance Fraud Unit. The form may be obtained at <https://wwwapps.tdi.state.tx.us/inter/asproof/fraud/rptfrd/confraud.asp>.

If you have supporting documentation to include with your fraud report, do not use this online form. Follow instructions on the form to download and mail in a printable form.

How do I file a complaint?

To file a complaint you should complete and submit the *Texas Department of Insurance Complaint Form*. There are several ways to obtain the form.

- Complete and submit the form online at <http://www.tdi.state.tx.us/consumer/complfrm.html>.
- Download the form from the TDI website at <http://www.tdi.state.tx.us/consumer/complfrm.html>.
- Call the TDI-DWC at 1-800-252-7031 to request the form be mailed to you.

If you have supporting documentation regarding your complaint, you should submit copies of it to TDI-DWC by mail or fax with a completed *Texas Department of Insurance Complaint Form*.

The completed *Texas Department of Insurance Complaint Form* and any supporting documentation can be mailed to:

Texas Department of Insurance,
Division of Workers' Compensation
Consumer Protection (111-1A)
P.O. Box 149091
Austin, Texas 78714-9091

Or you can fax the completed *Texas Department of Insurance Complaint Form* and any supporting documentation to TDI-DWC, Complaint Resolution at 512-490-1030.

Related TDI-DWC Publications

- Benefit Review Conference
- Contested Case Hearing
- Appeals Rights and Procedures Notice Sent to Parties
- Judicial Review

These TDI-DWC publications can be downloaded from the TDI website at <http://www.tdi.state.tx.us/wc/publications.html>.

If you need more information regarding disputes or complaints, contact TDI-DWC at 1-800-252-7031 for assistance.