



## MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

### PART I: GENERAL INFORMATION

**Type of Requestor:** (x) Health Care Provider ( ) Injured Employee ( ) Insurance Carrier

Requestor's Name and Address:  
 City of El Paso EMS  
 200 S. Alto Mesa  
 El Paso, TX 79912

MDR Tracking No.: M4-07-0108-01

Claim No.:

Injured Employee's Name:

Respondent's Name:  
 American Home Assurance Co.  
 Rep. Box # 19

Date of Injury:

Employer's Name: Wal Mart Stores Inc.

Insurance Carrier's No.: C5282632

### PART II: SUMMARY OF DISPUTE AND FINDINGS

Date(s) of Service	CPT Code(s) or Description	Part III Reference
12-12-05	A0427 A0425	1-5

### PART III: MEDICAL DISPUTE RESOLUTION REVIEW SUMMARY, METHODOLOGY, AND/OR EXPLANATION

Texas Labor Code 413.011(a-d) titled *Reimbursement Policies and Guidelines* and Division Rule 134.202 titled *Medical Fee Guideline*, effective August 1, 2003, sets out reimbursement guidelines. The Division will resolve medical fee disputes according to Rules 133.305, 133.307, 134.801 (c)(2) and other rules.

1. The Requestor incorrectly noted on the DWC-60 that disputed date of service is 12-12-06, the correct date based upon CMS-1500s, EOBs, and insurance carrier's response is 12-12-05.
2. This dispute relates to procedures/services that were billed under CPT codes A0427 and a0425 that were denied reimbursement by the insurance carrier based upon "29-The time limit for filing has expired."
3. Rule 102.4(h), titled General Rules for Non-Commission Communication, states "Unless the great weight of evidence indicates otherwise, written communications shall be deemed to have been sent on:
  - (1-) the date received, if sent by fax, personal delivery or electronic transmission or,
  - (2-) the date postmarked if sent by mail via United States Postal Service regular mail, or, if the postmark date is unavailable, the later of the signature date on the written communication or the date it was received minus five days. If the date received minus five days is a Sunday or legal holiday, the date deemed sent shall be the next previous day which is not a Sunday or legal holiday."
4. Section 408.027(a) of the Labor Code states "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."
5. The Requestor did not submit convincing evidence to support position that CMS-1500 was submitted timely to the Respondent per Section 408.027(a).

**PART IV: GENERAL PAYMENT POLICIES/REFERENCES IMPACTING DECISION**

Texas Labor Code 413.011(a-d)  
Texas Labor Code 408.027(a)  
28 Texas Administrative Code Sec. §134.1  
28 Texas Administrative Code Sec. §134.202  
28 Texas Administrative Code Sec. §102.4(h)

**PART V: DIVISION DECISION**

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code, Sec. §413.031, the Division has determined that the Requestor is not entitled to reimbursement for the services involved in this dispute.

Decision by:

Elizabeth Pickle, RHIA

April 19, 2007

Authorized Signature

Medical Fee Dispute Resolution Officer

Date of Decision

**PART VI: YOUR RIGHT TO REQUEST JUDICIAL REVIEW**

Appeals of medical dispute resolution decisions and orders are procedurally made directly to a district court in Travis County [see Texas Labor Code, Sec. 413.031(k), as amended and effective Sept. 1, 2005]. An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. The Division is not considered a party to the appeal.

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**