



MEDICAL FEE DISPUTE RESOLUTION ORDER

PART I: GENERAL INFORMATION

Requestor Name and Address: RS Medical P.O. Box 872650 Vancouver, WA 98687-2650	MFDR Tracking #: M4-07-0846-01
	Claim #:
	Injured Employee:
Respondent Name: Zurich American Insurance Co. Rep. Box # 19	Date of Injury:
	Employer Name: Kunz Construction Co. Inc.
	Insurance Carrier: 2230116770

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

Texas Labor Code 402.00128(b)(7) titled *General Powers and Duties of Commissioner* authorizes the Commissioner to enter appropriate orders. The Division will resolve medical fee disputes according to Rules 133.305, 133.307, 134.801 (c)(2) and other rules.

1. This dispute relates to procedure/service billed with CPT code E1399-RR rendered on 11/17/2005 that was denied reimbursement by the insurance carrier based upon "245-Payment pending receipt of invoice," "42-Charges exceed our fee schedule or maximum allowable amount," "29-The time limit for filing has expired," "200-Per 134.801 A medical bill shall not be submitted later than the 1st day of the 11th month or 95 days after the date of service."
2. 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."
3. 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."
4. The Requestor provided written documentation to the Division supporting that Form(s) CMS-1500 was submitted timely to the carrier. Specifically, the date in the block 31 of the CMS-1500 is 09/11/06. This is the request for reconsideration. This date is beyond the 95 days. The initial EOB is dated 12/08/2005. The carrier notes they received the bill on 11/28/05 making it timely. The medical bill(s) was timely submitted.
5. A referral has been made to Legal and Compliance.

PART III: GENERAL PAYMENT POLICIES/REFERENCES

Texas Labor Code 402.00128(b)(7)
Texas Labor Code 408.027(a)
28 Texas Administrative Code Sec. §102.4(h)
28 Texas Administrative Code Sec. §133.305
28 Texas Administrative Code Sec. §133.307
28 Texas Administrative Code Sec. §134.801 effective 9/1/05

PART IV: DIVISION ORDER

The Division hereby orders the Respondent to process the bill(s) and issue a new EOB for all services included in the original bill(s) within 21 days of receiving this Order.

Ordered by:

Authorized Signature

Medical Dispute Resolution Officer

05/11/2007

Date

PART V: YOUR RIGHT TO REQUEST JUDICIAL REVIEW

If Requestor is dissatisfied with the Respondent's final action on a medical bill, the Requestor may request medical dispute resolution in accordance with Rule 133.305 as long as the request is filed within the appropriate timeframe.

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