



## MEDICAL FEE DISPUTE RESOLUTION ORDER

### PART I: GENERAL INFORMATION

Requestor Name and Address: Edward F. Wolski, MD 2436 E-35 E. South, Ste. #336 Denton, TX 76205	MFDR Tracking #: M4-07-0895-01
	Claim #:
	Injured Employee:
Respondent Name: Liberty Insurance Corp. Rep. Box # 28	Date of Injury:
	Employer Name: JHT Holdings Inc.
	Insurance Carrier #: 949843114

### 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 and 133.307 and other rules.

1. This dispute relates to procedures/services that were billed under CPT codes 99203, 99080-73, 72070 and 95851 rendered on 10-7-05 and 11-4-05 that were denied reimbursement by the insurance carrier based upon "F286 – Date(s) of service exceed (95) day time period for submission per Rule 408.027 and Bulletin No. B-0037-05A; and U693 – By clinical practice standards, this procedure is incidental to the related primary procedure billed."

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 Forms CMS-1500 were submitted timely to the carrier. Specifically, the Requestor submitted a certified green card that supports carrier received on 10-28-05 for date of service 10-7-05; and an audit report dated 12-20-05 for date of service 11-4-05. The medical bills are timely submitted.

This dispute is being forwarded to the Legal and Compliance Division for further investigation.

**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

**PART IV: DIVISION ORDER**

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

Ordered by:

Elizabeth Pickle, RHIA

April 27, 2007

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Medical Dispute Resolution Officer

\_\_\_\_\_  
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.**