



MEDICAL FEE DISPUTE RESOLUTION FINDING & DECISION

PART I: GENERAL INFORMATION

Requestor Name and Address: Medical Center Emergency Physician P.A. P. O. Box 4590 Dept.06 Houston, TX 77210	MFDR Tracking #: M4-07-3753-01
	Claim #:
	Injured Employee:
Respondent Name: Fidelity & Guaranty Insurance Co. Rep. Box # 19	Date of Injury:
	Employer Name: YMCA OF THE GREATER HOUSTON AREA
	Insurance Carrier:#: YLLC22685C

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 procedures/services billed with CPT code 99283 rendered on 04/25/06 that were denied reimbursement by the insurance carrier based upon "17 – A healthcare provider shall not submit a medical bill later than the ninety fifth day after the date services are provided for services provided on or after September 1, 2005. Rule 134.801 section C."
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. Based on the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code 413.031 and 408.027(a), the Division has determined that the Requestor did not submit convincing evidence to support timely filing.

PART III: GENERAL PAYMENT POLICIES/REFERENCES

Texas Labor Code 413.011 (a-d)
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 DECISION

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code, Sec 413.031 and 408.027(a), the Division has determined that the Requestor did not submit convincing evidence to support timely filing.

Decision by:

Eileen V. Atkinson

4/25/07

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.