



MEDICAL FEE DISPUTE RESOLUTION FINDING & DECISION

PART I: GENERAL INFORMATION

| | |
|--|------------------------------------|
| Requestor Name and Address: Robert E. Urrea, M.D. 6211 Edgemere, Suite 1 El Paso, Texas 79925 | MFDR Tracking #: M4-07-4057-01 |
| | Claim #: |
| | Injured Employee: |
| Respondent Name: Texas Mutual Insurance Company Rep. Box # 54 | Date of Injury: |
| | Employer Name: SAS Ornamental Inc. |
| | Insurance Carrier:#: 99E0000370005 |

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 99213 rendered on 03-06-06 that was denied reimbursement by the insurance carrier based upon “29 - the time limit for filing has expired and 731 - 134.801 & 133.20 provider shall not submit a medical bill later than the 95th day after the date of service, for service on or after 9/1/05.”
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 did not submit convincing evidence to support position that CMS-1500 was submitted timely to the Respondent per Section 408.027(a). The Requestor originally submitted the CMS-1500 with CPT code 99214 to the Respondent on 04-05-06 as noted in block 31 of the CMS-1500. The Respondent denied CPT code 99214 initially on 05-02-06 and on reconsideration on 06-01-06. The Requestor down coded the service from CPT code 99214 to CPT code 99213 and submitted the claim to the Respondent, thus submitted a new bill. The Requestor did not submit convincing evidence to support that the new bill with CPT code 99213 was submitted timely.

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 on 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 request was not timely filed and the Requestor has forfeited the right to reimbursement.

Decision by:

04-30-07

Authorized Signature

Medical Dispute Resolution Officer

Date

PART V: 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.