

SOAH DOCKET NO. 454-08-1701.M5
(DWC NO)

TEXAS MUTUAL INSURANCE	§	BEFORE THE STATE OFFICE
COMPANY,	§	
PETITIONER	§	
	§	OF
V.	§	
	§	
A T, DC,	§	
RESPONDENT	§	ADMINISTRATIVE HEARINGS

DECISION AND ORDER

Texas Mutual Insurance Company (Carrier) requested a hearing to contest a medical fee dispute resolution order issued by the Texas Department of Insurance, Division of Workers' Compensation (Division) regarding medical services provided to (Claimant). At the hearing, Carrier appeared through Chip Santini, a senior claims adjuster. No other parties appeared or participated in the hearing. Carrier presented evidence showing that it had already paid the amount ordered by the Division.

After reviewing the evidence presented, the ALJ finds that Carrier's request has merit, that it has already paid \$312.69, part of which is the amount ordered by the Division. Therefore, this order relieves the Carrier from any other additional payments. In support of this decision, the ALJ makes the following findings of fact and conclusions of law.

I. FINDINGS OF FACT

1. (Claimant) suffered an injury compensable under workers' compensation insurance.
2. On the date of injury, Texas Mutual Insurance Company (Carrier) was the workers' compensation insurance carrier for Claimant's employer.
3. Between July 5, 2005, and October 5, 2005, Claimant received medical treatments from A T, DC (Provider) for his compensable injury.

4. When Carrier denied reimbursement for the services, Provider requested medical fee dispute resolution through the Texas Department of Insurance, Division of Workers' Compensation (Division).
5. After an exchange of documents, Carrier reconsidered and paid the Provider \$312.69.
6. Provider failed to dismiss the MRD dispute even though it had been paid for the CPT codes and the \$103.75 amount that was the basis of the MRD dispute.
7. On January 31, 2008, the Division issued its findings and decision, requiring Carrier to reimburse the amount of \$103.75 for the disputed services.
8. Carrier requested a hearing by the State Office of Administrative Hearings (SOAH) to appeal the Division's order.
9. On February 15, 2008, the Division sent notice of the SOAH hearing in this matter to all parties.
10. All parties received adequate notice of not less than 10 days of the time, place, and nature of the hearing; the legal authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
11. On April 6, 2008, SOAH Administrative Law Judge Stephen J. Pacey held a contested case hearing concerning the dispute at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas. Carrier appeared at the hearing through its senior claims adjuster, Chip Santini.
12. Carrier previously paid the \$103.75 amount ordered by the Division.

II. CONCLUSIONS OF LAW

1. SOAH has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a decision and order. TEX. LAB. CODE ANN. §§ 402.073(b), 413.031, 413.0311, and 413.055; and TEX. GOV'T. CODE ANN. ch. 2003.
2. Notice of the hearing was proper and timely. TEX. GOV'T. CODE ANN. §§ 2001.051-.052.
3. Carrier had the burden of proving by the preponderance of the evidence that it was not liable for payment of the disputed fees. 1 TEX. ADMIN. CODE § 155.41(b); 28 TEX. ADMIN. CODE § 148.14(a).

4. Based on the above Findings of Fact, Carrier has shown that it is not currently liable for \$103.75, ordered by the Division, because it has already paid that amount.

ORDER

THEREFORE, IT IS ORDERED THAT the Division's order of January 31, 2008, in this matter is reversed because prior to the MRD decision Carrier had previously paid \$103.75 for the CPT codes that were the subject matter of the MRD dispute.

SIGNED April 30, 2008.

STEPHEN J. PACEY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS