



Fast Facts

Disputes and Complaints in the Workers' Compensation System Information for Health Care Providers about Non-Network Claims

Texas Department of Insurance, Division of Workers' Compensation

Decisions or actions taken within the Texas workers' compensation system can result in parties being in disagreement or dissatisfied. The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) handles many of these issues — disputes and complaints — through two distinct processes.

What is a dispute?

Disputes are disagreements between system participants who request dispute resolution by the TDI-DWC. Generally, disputes involve entitlement to workers' compensation benefits and the amount to be paid. There are different types of formal disputes in the Texas workers' compensation system.

- An indemnity dispute is a disagreement involving compensability or liability of the insurance carrier for workers' compensation benefits.
- A medical necessity dispute concerns whether or not specific medical treatments or services are medically necessary.
- A medical fee dispute is a disagreement over the amount of payment due for health care already provided, and reduced or denied for reasons other than compensability, extent of injury, liability, or medical necessity.

Examples of disputes

- Indemnity: denial of the injured employee's claim; denial of periods of disability; disputes of maximum medical improvement dates and/or impairment ratings.
- Medical necessity: denial of medical necessity or denial of a preauthorization request.
- Medical fee dispute: a health care provider receives an explanation of benefits with a payment amount inconsistent with TDI-DWC medical fee guidelines.

When can a dispute be filed?

A dispute is filed when an action has occurred, but one or more parties are dissatisfied with the outcome. Workers' compensation system participants are encouraged and, in some cases, required to attempt to resolve the dispute before filing a request for dispute resolution with the TDI-DWC.

What is a complaint?

A complaint is a written submission to the TDI-DWC alleging a violation of the Workers' Compensation Act or TDI-DWC rules by a system participant.

Examples of complaints

- A payment was issued late by the workers' compensation insurance carrier.
- A required form (DWC Form-069, DWC Form-073, DWC Form-001, etc.) was filed late.
- Commissioner orders were not complied within a timely manner.
- Unprofessional behavior by a system participant.



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When can a complaint be filed?

Before filing a complaint, a party should determine if the issue is a dispute that should be addressed through the TDI-DWC Hearings or Medical Fee Dispute Resolution processes, or through the Independent Review Organization process for medical necessity disputes. For assistance in determining if an issue is a dispute or a complaint contact Complaint Resolution at (512) 804-4700.

How do I file a request for dispute resolution?

The following forms are required to initiate the dispute resolution process with TDI-DWC:

- To request dispute resolution for an indemnity dispute, a system participant should submit a Request to Schedule, Reschedule or Cancel a Benefit Review Conference (BRC), DWC Form-045, to the TDI-DWC;
- To file a medical necessity dispute, a system participant should submit a Request for a Review by an Independent Review Organization, TDI Form LHL009, to the insurance carrier or utilization review agent within the time period specified on the instructions for that form; or
- To file a medical fee dispute, a system participant should submit a Medical Fee Dispute Resolution Request, DWC Form-060, to the TDI-DWC within the time period specified on the instructions for that form.

Forms and filing instructions can be downloaded from the TDI website at www.tdi.texas.gov/forms/form20numeric.html or you can call the TDI-DWC to request that the form be mailed to you.

How do I file a complaint?

Complaints must be in writing. You can file a written complaint with the TDI-DWC in several ways.

- Complete and submit the form online at www.tdi.texas.gov/consumer/complfrm.html.
- Electronic correspondence with any TDI-DWC employee.
- Written correspondence to the TDI-DWC, 7551 Metro Center Drive, Suite 100, MS-8, Austin, Texas 78744-1645.
- Facsimile correspondence to (512) 490-1030.
- When meeting with TDI-DWC personnel and the complaint will be reduced to writing.

If you have supporting documentation regarding your complaint, you should submit copies of it to the TDI-DWC by mail or facsimile with the written complaint.



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What information do I include in a complaint?

A complaint filed with the TDI-DWC must contain the following:

- complainant's name and contact information, which should include, but is not limited to: name, address, telephone number, facsimile number, e-mail address, business name, business address, business telephone number, and websites;
- name and contact information of the subject or parties of the complaint, if known;
- name and contact information of witnesses, if known;
- claim file information including, but not limited to the: name, address, and date of injury of the injured employee, if known;
- the statement of the facts constituting the alleged violation, including the dates or time period the alleged violation occurred;
- the nature of the alleged violation, including the specific sections of the Texas Workers' Compensation Act and TDI-DWC rules alleged to have been violated, if known;
- supporting documentation relevant to the allegation that may include, but is not limited to: medical bills, Explanation of Benefits statements, copies of payment invoices or checks, and medical reports, as applicable;
- supporting documentation for alleged fraud may include: photographs, video, audio, and surveillance recordings, and reports; and
- other sources of pertinent information, if known.

