

No. **2025-9325**

**Official Order  
of the  
Texas Commissioner of Workers' Compensation**

**Date: 5/29/2025**

**Subject Considered:**

National Union Fire Insurance Company of Pittsburgh, PA.  
PO Box 201329  
Austin, Texas 78720-1329

Consent Order  
DWC Enforcement File No. 35863

**General remarks and official action taken:**

This is a consent order with National Union Fire Insurance Company of Pittsburgh, PA (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

**Waiver**

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent waives all of these rights, and any other procedural rights that apply, in consideration of the entry of this consent order.

**Findings of Fact**

1. Respondent holds a certificate of authority issued by the Texas Department of Insurance to transact the business of insurance pursuant to Tex. Ins. Code §§ 801.051-801.053 and is licensed to write workers' compensation/employers' liability insurance in Texas.
2. Respondent was classified as "average" tier in the 2020, 2022, and 2024 Performance Based Oversight (PBO) assessments.

Failure to Timely Act on a Request for Reconsideration of a Medical Bill

3. On [REDACTED], and [REDACTED], Respondent received two pre-authorizations for acute inpatient rehabilitation services provided to an injured employee by a health care provider (HCP).
4. On [REDACTED], Respondent received a \$ [REDACTED] medical bill from the HCP.
5. On [REDACTED], Respondent issued an Explanation of Benefits (EOB) denying the bill for lack of pre-authorization despite the pre-authorizations received in [REDACTED].
6. On [REDACTED], Respondent received the HCP's request to reconsider the medical bill. The HCP included a copy of the EOB, the original bill, including the dates of service, billing codes, amounts at issue, the pre-authorization numbers for the billed services, and a rational request to review the bill adverse determination.
7. Respondent had seven days from the date of receipt to return the request as incomplete, or by [REDACTED]. Failing that, Respondent had 30 days from the date of receipt to take final action on the request, or by [REDACTED].
8. The HCP attempted to contact Respondent no fewer than six additional times to request a status on the bill payment on [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].
9. On [REDACTED], Respondent took final action on the request for reconsideration by paying \$ [REDACTED], which was 170 days late.
10. On [REDACTED], Respondent paid \$ [REDACTED] in interest seven days late.

**Assessment of Sanction**

1. Prompt action on requests for consideration are imperative to DWC's goal of ensuring that injured employees have access to prompt, high-quality medical care. Failure to promptly act on requests for reconsideration harms medical providers economically, increases disputes and exhausts administrative resources in the workers' compensation system.

2. In assessing the sanction for this case, DWC fully considered the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e):
  - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
  - the history and extent of previous administrative violations;
  - the violator's demonstration of good faith, including actions it took to rectify the consequences of the prohibited act;
  - the penalty necessary to deter future violations;
  - whether the administrative violation had a negative impact on the delivery of benefits to an injured employee;
  - the history of compliance with electronic data interchange requirements;
  - to the extent reasonable, the economic benefit resulting from the prohibited act; and
  - other matters that justice may require, including, but not limited to:
    - PBO assessments;
    - prompt and earnest actions to prevent future violations;
    - self-report of the violation;
    - the size of the company or practice;
    - the effect of a sanction on the availability of health care; and
    - evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
3. DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be aggravating:
  - a. the seriousness of the violation, including the \$ [REDACTED] amount at issue, payment 170 days late, and the willful lack of response from Respondent;
  - b. Respondent's history of similar administrative violations, including one consent order and two warning letters involving medical bills;
  - c. the penalty necessary to deter future violations;
  - d. the economic benefit to Respondent resulting from Respondent's conduct.
4. DWC is aware of no mitigating factors pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
5. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the facts establish that the administrative violation(s) occurred; and that the proposed sanction is appropriate, including the

factors DWC considered under Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

6. Respondent acknowledges that, in assessing the sanction, DWC considered the factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

### **Conclusions of Law**

1. The commissioner has jurisdiction over this matter pursuant to Tex. Lab. Code §§ 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 414.002, and 414.003.
2. The commissioner has the authority to dispose of this case informally pursuant to Tex. Gov't Code § 2001.056, Tex. Lab. Code §§ 401.021 and 402.00128(b)(6)-(7), and 28 Tex. Admin. Code § 180.26(h) and (i).
3. Respondent has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intent to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.
4. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
5. Pursuant to Tex. Lab. Code § 415.002(a)(20), an insurance carrier or its representative commits an administrative violation each time it violates a DWC rule.
6. Pursuant to Tex. Lab. Code § 415.002(a)(22), an insurance carrier or its representative commits an administrative violation each time it fails to comply with a provision of the Texas Workers' Compensation Act.

### Failure to Timely Act on a Request for Reconsideration

7. Pursuant to 28 Tex. Admin. Code § 133.250(a)-(b), if a HCP is dissatisfied with an insurance carrier's final action on a medical bill, the HCP may request that the insurance carrier reconsider its action no later than 10 months from the date of service.
8. Pursuant to 28 Tex. Admin. Code § 133.250(d), a request for reconsideration shall:

- (1) reference the original bill and include the same billing codes, date(s) of service, and dollar amounts as the original bill;
  - (2) include a copy of the original EOB, if received, or documentation that a request for an EOB was submitted to the insurance carrier;
  - (3) include any necessary and related documentation not submitted with the original medical bill to support the health care provider's position; and
  - (4) include a bill-specific, substantive explanation in accordance with §133.3 of this title (relating to Communication Between HCPs and Insurance Carriers) that provides a rational basis to modify the previous denial or payment.
9. Pursuant to 28 Tex. Admin. Code § 133.250(f), an insurance carrier shall review all written reconsideration requests for completeness and may return an incomplete written reconsideration request no later than seven days from the date of receipt.
10. Pursuant to 28 Tex. Admin. Code § 133.250(g), an insurance carrier shall take final action on a reconsideration request within 30 days of receiving the request for reconsideration and shall provide an EOB.
11. Respondent violated Tex. Lab. Code § 415.002(a)(20); and 28 Tex. Admin. Code § 133.250(g) by failing to timely act on a reconsideration request.

#### Failure to Timely Pay Interest on a Medical Bill

12. Pursuant to Tex. Lab. Code § 413.019(a) and 28 Tex. Admin. Code § 134.130(a), an insurance carrier must pay interest on medical bills paid on or after the 60th day after the insurance carrier originally received the complete medical bill.
13. Respondent violated Tex. Lab. Code §§ 412.019(a), 415.002(a)(20) and (22) by failing to pay interest on a medical bill paid on or after the 60th day after the insurance carrier originally received the complete medical bill.

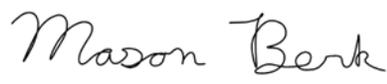
**Order**

It is ordered that National Union Fire Insurance Company of Pittsburgh, PA must pay an administrative penalty of \$6,000 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, National Union Fire Insurance Company of Pittsburgh, PA must pay the administrative penalty by electronic transfer using the State Invoice Payment Service, company check, cashier's check, or money order and make it payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement Section, MC AO-9999, P.O. Box 12030, Austin, Texas 78711-2030.

  
\_\_\_\_\_  
Jeff Nelson  
Commissioner  
TDI, Division of Workers' Compensation

Approved Form and Content:

  
\_\_\_\_\_  
Mason Berk  
Staff Attorney, Enforcement  
Compliance and Investigations  
TDI, Division of Workers' Compensation

Commissioner's Order  
National Union Fire Insurance Company of Pittsburgh, PA  
DWC Enforcement File No. 35863  
Page 7 of 7

**Unsworn Declaration**

**STATE OF** New York §  
§  
**COUNTY OF** New York §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Conor Murray. I hold the position of Senior Vice President and am the authorized representative of National Union Fire Insurance Company of Pittsburgh, PA. My business address is:

1271 Avenue of the Americas, New York, New York, NY, 10020.  
(Street) (City) (County) (State) (ZIP Code)

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts stated in this document are true and correct.

Signed by:  
Conor Murray  
EE7D677E82F8437...  
Declarant

Executed on May 7, 2025 | 8:13 AM EDT, 2025.