

FLAHIVE, OGDEN & LATSON

ADVISORY NO. 9

TOPIC: Medical Bill Dispute Resolution (Old and New Law).

DISCUSSION: The Commission is now staffed, funded and prepared to handle requests for medical bill dispute resolution for both old and new law claims.

As many of you know, rules were passed under the old law providing for medical bill dispute resolution procedures but those rules were never implemented since the Commission apparently had neither the financing nor the staff to perform professional reviews and dispute resolution on medical bill controversies. They now have the staff and money and are prepared to handle requests for medical bill dispute resolution regardless of whether the dispute arises from an old or new law claim.

While rules are still being considered by the Commission for new law claims, the Division of Medical Review is proceeding under its statutory authority to resolve medical disputes. At this time, medical dispute review (old or new law) will be instituted if a carrier files a Notice of Medical Payment Dispute (Interim TWCC-62) coupled with a request for a medical dispute resolution. For the request for on an old law claim, follow the procedure set out in old Rules 42.305-42.315. For the request on new law claims, use the same procedure described above until the Commission gives us new rules. If it is a new law claim, an unresolved dispute will then proceed to a contested case hearing. If it is an old law claim, an unresolved dispute will proceed to an award.

Carriers are encouraged to use this procedure for both old and new law claims. As many of you know, medical bill disputes in the past simply involved the Commission rubber-stamping the bills submitted by the health care provider despite the fact that the carrier submitted an audit requiring a reduction per fee guidelines. The reason given for this inadequate and unfair process was that the Commission did not have the money and staff to adequately perform this function. They simply passed the dispute onto the courthouse which was a tremendously inefficient means of resolving this type of dispute. Hopefully, these new procedures as applied to old law claims, as well as new law claims, will result in the efficient and expeditious reduction in spiraling medical costs.