

FLAHIVE, OGDEN & LATSON

ADVISORY NO. 38

**LETTER OF INSTRUCTIONS**

We have a new procedure from MEDICAL DISPUTE RESOLUTION.

The two items we are sending to you are (a) the Notice and (b) the Response to Request for Medical Dispute Resolution. A copy of those forms are attached. You have two choices:

1. Complete the response and designate an individual within your company to act. We recommend that you handle all routine or small payment issues by sending your answer **DIRECTLY** to the Commission. This will reduce our involvement and conserve expenses. Rule 133.305(i) requires a response. If responses are not timely, we may have to set up a logging, deadline and cross-check system, but we would prefer to see if direct handling works first.

**OR**

2. Complete the response and designate Flahive, Ogden & Latson as your representative. **RETURN A COPY OF EVERYTHING WE PREVIOUSLY FORWARDED TO YOU AS WE WILL NOT CREATE A FILE UNLESS WE ARE DESIGNATED.** You should reserve this approach for cases which are larger in importance and we will need a file to act on your behalf. All cases which will eventually be handled under APTRA, that is, cases subject to lawsuit, should be sent to us early on. Either party can appeal to Austin, Travis County, District Courts if dissatisfied with commission APTRA findings.

**The commission will attempt to handle the cases informally and will issue an order based on informal findings. Either side can appeal for formal resolution under APTRA.**

**THE COMMISSION WILL NOT ACT IF THE PARTIES HAVE FAILED TO ATTEMPT RESOLUTION BEFORE ASKING FOR MEDICAL DISPUTE RESOLUTION. (DOCUMENTATION OF EFFORT OR LACK THEREOF IS ESSENTIAL.)**

**To recap, medical dispute resolution is as follows:**

1. Try to resolve disputes with medical providers and document all efforts.
2. Object to informal medical dispute resolution if you have never been contacted by the medical provider and you have made an effort to resolve.

3. Designate your staff on the routine informal medical dispute resolution for and mail your response directly to the commission as we will not maintain or create a file. CONTACT MEDICAL REVIEW (512) 440-3540, DIRECT IF CAPTION IS INCOMPLETE OR YOU NEED FURTHER INFORMATION TO IDENTIFY THE CLAIM.
4. Designate our firm to handle on your behalf if the following criteria is met: large amount involved, principle involved, and/or litigation likely regardless of informal resolution. We will not create a file or make a time and expense charge unless we are involved and you have returned the designation sheet to us.
5. After the commission makes an informal ruling, EITHER party may appeal and ask for an APTRA hearing. We will follow only those cases where we have been designated to act.
6. EITHER party can timely appeal an APTRA hearing to District Court in Austin.
7. Be sure to include all information specified in Rule 133.305(i).
8. Old law cases can be handled under Medical Dispute Resolution, but ONLY new law cases go on to APTRA hearings.

**PLEASE DIRECT ANY CORRESPONDENCE OR TELEPHONE REQUESTS TO PAUL WILLIAMS OF OUR FIRM.**

Advisory No. 38

March 10, 1992