

What to Do if You Receive a Texas Workers' Compensation Medical Bill

Medical treatment is a main priority during an injured employee's recovery. In most cases, as the injured employee, you should not have to pay for your workers' compensation health care. The workers' compensation insurance carrier pays your health care provider. However, if you receive a bill from your health care provider or a collection agency requesting payment for your workers' compensation health care, you should read it carefully and review the following questions to determine if there is any action you need to take.



Does the health care provider know this is a workers' compensation claim? If you are unsure, contact your doctor's office to inform them.

Was the treatment given by an appropriately selected health care provider? How you initially select your doctor and how you change doctors depends on whether or not you have a network claim. If you have selected or changed your doctor inappropriately, you could be responsible for payment.

Has payment been denied by the insurance carrier because it is disputing your workers' compensation claim or the extent of your injury? If so, your doctor may need to provide additional information to the insurance carrier to help establish that your injury is compensable. If the insurance carrier continues to dispute, the Office of Injured Employee Counsel may be able to help you resolve your dispute.

Does it appear that the insurance carrier is disputing the medical necessity or cost of the treatment? Medical benefits for a compensable workers' compensation injury include health care that is reasonably required by the nature of the injury. If the insurance carrier does not agree with the necessity or cost of proposed treatment, the health care provider or the injured employee can request medical dispute resolution to resolve medical necessity or medical fee issues.

Is the bill for copies of medical records, sent to the Office of Injured Employee Counsel, from your doctor in order to help you with your claim? A health care provider may not bill for copies of medical records requested by the Office of Injured Employee Counsel. (Tex. Lab. Code § 404.155).

Is the bill being sent to you for "information only?" The health care provider may send you copies of the bills it submits to the insurance carrier to keep you updated about your claim.

Is the bill for treatment on an issue that has been "finally adjudicated?" Health care providers shall not bill or make any attempt to collect the unpaid amount of a medical bill from the injured employee or the employer, unless the injury is finally adjudicated not to be compensable, or the insurance carrier is relieved of liability under Sec. 408.024 of the Texas Workers' Compensation Act. "Finally adjudicated" means the injury has been determined to be not compensable in a final decision of the Texas Department of Insurance, Division of Workers' Compensation dispute resolution process. "Relieved of liability" means the insurance carrier is not responsible for payment of the claim.

If it appears you have been billed in error, you should notify the health care provider and let them know they should submit all bills related to treatment of your work-related injury to the workers' compensation insurance carrier (with your insurance carrier claim number noted). In some instances the health care provider may need to contact the insurance carrier and provide further information about your claim or treatment.

The Office of Injured Employee Counsel is the State agency which assists, educates, and advocates on behalf of the injured employees of Texas and may be able to help you resolve your dispute. If you have any questions about your workers' compensation claim, please contact us at 1-866-393-6432 so we can assist you.

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448.16e (09/2013)



REFERENCES:

Tex. Lab. Code § 413.042. PRIVATE CLAIMS; ADMINISTRATIVE VIOLATION.

(a) A health care provider may not pursue a private claim against a workers' compensation claimant for all or part of the cost of a health care service provided to the claimant by the provider unless:

- (1) the injury is finally adjudicated not compensable under this subtitle; or
- (2) the employee violates Section 408.022 relating to the selection of a doctor and the doctor did not know of the violation at the time the services were rendered.

(b) A health care provider commits an administrative violation if the provider violates Subsection (a).

Title 28 of the Texas Administrative Code, Rule 133.20. MEDICAL BILL SUBMISSION BY HEALTH CARE PROVIDER.

(k) A health care provider shall not submit a medical bill to an injured employee for all or part of the charge for any of the health care provided, except as an informational copy clearly indicated on the bill, or in accordance with subsection (l) of this section. The informational copy shall not request payment.

Tex. Lab. Code § 404.155. COST FOR CERTAIN COPIES OF MEDICAL RECORDS; ADMINISTRATIVE VIOLATION.

(a) At the written request of an ombudsman designated under this subchapter who is assisting a specific injured employee, a health care provider shall provide copies of the injured employee's medical records to the ombudsman at no cost to the ombudsman or the office.

(b) The workers' compensation insurance carrier is liable to the health care provider for the cost of providing copies of the employee's medical records under this section. The insurance carrier may not deduct that cost from any benefit to which the employee is entitled.

(c) The amount charged for providing copies of an injured employee's medical records under this section is the amount prescribed by rules adopted by the commissioner for copying medical records.

(d) A health care provider may not require payment for the cost of providing copies of an injured employee's medical records under this section before providing the copies to the ombudsman.

(e) The public counsel may adopt rules regarding a time frame for the provision of copies of an injured employee's medical records under this section and any other matter relating to provision of those copies.

(f) A health care provider or insurance carrier that fails to comply with the requirements of this section or rules adopted under this section commits an administrative violation. The commissioner shall enforce a violation under this subsection in accordance with Chapter 415.