

Texas Medicaid

Tort Case Management

Frequently Asked Questions

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General Questions

What is Tort and how is it associated with third-party subrogation?

Tort is a wrongful act other than a breach of contract that injures another and for which the law imposes civil liability. The Medicaid Tort Department is contracted by the State of Texas to pursue liable third parties responsible for a loss to the insured. If Medicaid has made payment on Tort claims, we then seek reimbursement from the at-fault party. Subrogation is most common in auto insurance, but it can also occur in property/casualty and healthcare policy claims.

For Details on the Texas Administrative Code (TAC) regarding Tort, you can view the Civil Practice and Remedies Code, Title 4. Liability in Tort, Chapter 72. Liability of Motor Vehicle Owner or Operator, Subchapters A and B, and Chapter 354, Subchapter J. The website address is statutes.capitol.texas.gov.

Why do I have to validate the client every call when I have submitted a valid HMA?

The Federal HIPAA guidelines state the client must be validated during every interaction before releasing any confidential client information (CI) or protected health information (PHI).

Why are follow-up letters sent on trust cases when the Client is not deceased?

All cases with no activity for more than 90 days (about 3 months) receive follow-up letters. These letters are sent as part of our case maintenance process to check for updates or changes to our client's cases. Responding to these requests is crucial in keeping our cases up to date and enables us to provide the most accurate information when needed.

How long does it take for a call back?

We will attempt to return all calls on the same business day. Calls received after 3 pm should be expected to receive a return call by the next business day but no more than 3 business days. Not all requested actions will receive a return call.

Who do I make the payment to? Where should my payment be sent?

Payments should be made out to the TMHP TPL-Tort Department. Include the client's name and date of loss in the Memo field. Send your payment along with the lien letter sent by the Medicaid Tort Department to TMHP TPL-Tort Department Attn: Tort Receivables PO Box 202948 Austin, Tx 78720-2948.

What is your fax number?

The fax number to the TMHP Tort Department is 512-514-4225. Include 'Attention Tort' in your fax coversheet for proper delivery.

What is the mailing address?

Send correspondence by mail to: TMHP TPL-Tort Department Attn: Tort Receivables PO Box 202948 Austin, Tx 78720-2948.

What is the phone number for Medicare?

Medicare can be reached by calling 1-800-633-4227.

Client Questions

Who opened this case? Where did the information come from?

If you have recently been in an accident and have an attorney or insurance company, they may have been created on your behalf. Please reach out to your insurance or Attorney for further questions. If you are not working with an attorney or insurance company, please contact TMHP for further details, at 1-800-846-7307 option for injury, accident, or informational claims.

What is the processing timeline? Why do I have to wait so long?

TMHP processes each request as quickly as possible in the order they are received. Processing time can take up to 10 business days.

What is the claims restriction period and why? Can this be expedited?

The restriction period is 95 days, or 155 days based on the individual's type of policy coverage. This means that if the individual has traditional Medicaid, TMHP must allow 95 days (about 3 months) from the date of service for the provider to file the claims. If the individual has a Managed Care Organization, TMHP must allow 155 days (about 5 months) for the provider to file the claims. This cannot be expedited as it is state policy.

How do I update or change my address?

If you need to update your address that is on file, please reach out to 211, visit your local HHS office, or access the website <https://yourtexasbenefits.com/ytb/Public/Login>.

How do I sign up for the Tort Portal?

The Tort Portal is currently only available for Attorneys. Please contact your attorney or the third-party insurance company if you have questions about your Tort case.

Correspondence Processing

What is the processing timeline? Why do I have to wait so long?

Correspondence is processed in the order in which it is received, first in first out. You must allow up to 10 business days from the date the correspondence is received for Texas Medicaid & Healthcare Partnership (TMHP) to complete the request and send our response by mail. Attorneys who have access to the Medicaid Tort Portal may log in and see their correspondence as soon as it is generated.

Why can TMHP not fax documents?

TMHP cannot fax documents with private health information due to compromising federal Health Insurance Portability and Accountability Act (HIPAA) guidelines. Client privacy is a top priority!

Why did TMHP not receive my fax? A fax confirmation was received.

We have many departments within TMHP. Occasionally documents can be misrouted. When faxing correspondence to the TMHP Tort Department, it is best to include Attention Tort on the fax coversheet. Also be sure to include all the required information. We must validate the client with name, date of birth, Medicaid Id number, or full social security number along with the date of loss. This will prevent delays and assist with accurate and timely processing. Once a fax is received, it can take up to 2 business days to show in our system before checking if the correspondence has been received. Attorneys can create new cases and upload correspondence on existing cases through the Medicaid Tort Portal.

How to submit a Letter of Representation or Letter of Notice?

Attorneys can create new Tort cases and upload letters of representation directly through the Medicaid Tort Portal. <https://psanalytics.accenture.com/tortportal/#/>. For Attorneys unable to access the Medicaid Tort Portal or Insurance Companies and other entities, Letters of Representation or Letters of Notice should be submitted directly to the Medicaid Tort Department by fax at 512-514-4225. Include 'Attention Tort' on your fax coversheet. If you do not have access to a fax machine, correspondence can be sent by mail to TMHP TPL-Tort Department Attn: Tort Receivables PO Box 202948 Austin, Tx 78720-2948.

Who opened this case?

TMHP partners with other third parties to identify potential Tort subrogation for Medicaid clients that have open auto insurance claims, trusts, or supplemental insurance policies. Clients could also be working with another Attorney or an insurance company. Please contact your client directly for more information.

Why haven't I received a response?

All outgoing correspondence is sent by mail to the address provided on the Letter of Representation or Letter of Notice received by the TMHP Tort Department. Check the correspondence that was sent to be sure the correct address was provided. If your address has recently changed, please send a change of address request by fax or mail to the TMHP Tort Department. Attorneys can log into the Medicaid Tort Portal and request an address update. They can also view all incoming and outgoing correspondence on all their cases through the Portal. If your attorney's office has a Portal account, correspondence will not be sent by mail. Create a user account or login to the Portal to view and print correspondence.

What is the status of my case?

Attorneys can check the status of their client's case by logging into their Medicaid Tort Portal account and entering the client's information and date of loss. Select the View/Update button to review the case details, letters sent, and documents received.

Insurance companies and other entities can send a status request to the Medicaid Tort Department directly by fax at 512-514-4225. Include 'Attention Tort' in your fax coversheet for proper delivery. If a fax machine is not available, submit your request by mail to the TMHP TPL-Tort Department Attn: Tort Receivables PO Box 202948 Austin, Tx 78720-2948.

Clients looking for their case status should contact their representing attorney or the third-party insurance associated with their case. All correspondence on Medicaid Tort cases is sent to the attorney or third-party insurance on file.

Obtaining Itemization

What is the claims restriction period and why? Can this be expedited?

The restriction period is 95 days, or 155 days based on the individual's type of policy coverage. This means that if the individual has traditional Medicaid, TMHP must allow 95 days (about 3 months) from the date of service for the provider to file the claims. If the individual has a Managed Care Organization in addition to traditional Medicaid, TMHP must allow 155 days (about 5 months) for the provider to file the claims. Provider claims are not processed in our department. TMHP Tort department requests claim status from the Medicaid Claims Department or Medicaid Managed Care Claims Department after the end of the restriction. This cannot be expedited as it is state policy. Once claim details are received, allow up to 10 business days for processing. All lien letters are sent by mail or through the portal.

Why does the lien letter not say, 'final lien'? How long is the lien letter valid?

Medicaid Tort liens are subject to change. Our liens are considered current for up to 60 days (about 2 months) from the date of the lien letter. If the date on your lien letter is more than 60 days (about 2 months) ago, a request for an updated lien must be made before payment is submitted. Once a case has settled, the Medicaid Tort Department should receive payment in full within 60 days (about 2 months). The Medicaid Tort case will remain open and active until the Medicaid Tort department has received payment for the total amount due.

Can we request a 'final lien' letter?

Updated lien requests can be submitted through the Medicaid Tort Portal for Attorneys. Insurance companies and other entities can request an updated lien by faxing a request to the Medicaid Tort Department directly at 512-514-4225. Include 'Attention Tort' on your fax coversheet. If you do not have access to a fax machine, correspondence can be sent by mail to TMHP TPL-Tort Department Attn: Tort Receivables PO Box 202948 Austin, Tx 78720-2948.

What is the lien amount?

Depending on the date of loss for your client, a lien may not have been calculated. When cases are under the claim restriction period, the restriction must end before a lien amount is calculated. If your request was recently sent, allow 7-10 business days for processing, and expect to receive your updated lien by mail. Attorneys can view the lien amount in their client's case on the Medicaid Tort Portal. Please log in or create a user account.

How does an Attorney's office get the claims itemization?

In accordance with Title 2 Health and Safety Code (HSC) §181.154, you must submit a signed copy of the Use and Release of Health Information Authorization Form (Form 6700) provided by the Commission. For your convenience it can be found on tmhp.com, under Resources select Forms, scroll down to the legal section. The form is also on the Medicaid Tort Portal landing page under Quick References. See **Use and Release of Health Information Authorization Form (HMA)** for additional frequently asked questions.

Use and Release of Health Information Authorization Form (HMA)

Why did no one call to give invalid HMA status?

All responses to correspondence are sent by mail or through the portal. If there are questions regarding the letter received, contact the Tort Department for an explanation.

Why is the HMA invalid?

Incomplete or incorrect information was provided on the form. Review each section to ensure the required information is provided. Section 1 requires the client's first and last name, date of birth, and **either** Medicaid ID **or** social security number. Section 2 has three parts. Part A Release of Information requires one check box to be selected and to fill in the blank for 'Release my information to the following Person/Agency.' Fill in the blank for Part B Purpose of Release. Part C Signature requires the client's signature if over the age of 18. If the client is a minor, the form can be signed by the parent/guardian on file for the child's entitlement and they should include parent or guardian as the description of authority in the blank below. The Attorney can also sign on behalf of their client, including 'Attorney' in the description of authority, and they must be a valid contact on the client's Medicaid Tort case.

Why can't we use an Attorney's HMA?

In accordance with Title 2 Health and Safety Code (HSC) §181.154, you must submit a signed copy of the Use and Release of Health Information Authorization Form (Form 6700) provided by the Commission. For your convenience it can be found on tmhp.com, under Resources select Forms, scroll down to the legal section. The form is also on the Medicaid Tort Portal landing page under Quick References.

Requesting a Change or Update to an Existing Case

Why can't I update my address over the phone?

Address updates require verification for security purposes and must be submitted in writing on your company's letterhead. Your request can be sent directly to the Medicaid Tort Department by fax at 512-514-4225. Include 'Attention Tort' in your fax coversheet for proper delivery. If a fax machine is not available, submit your request by mail to the TMHP TPL-Tort Department Attn: Tort Receivables PO Box 202948 Austin, Tx 78720-2948.

Attorney Admins can log into their Medicaid Tort Portal account and submit the address change request for review. Updates to the portal address will update all cases associated with that law firm's address and will update the address for all users approved by that Admin.

How do I request an update to the DOL?

Attorneys should log into the Medicaid Tort Portal and select the View/Update button on the existing case with the incorrect DOL. Open the drop-down for Miscellaneous Request and upload your request to update the DOL and select Follow Up Response/Dispute as your document type. Allow 7-10 business days for processing. If the case is outside of the restriction period, claims will be reordered for an updated lien amount.

Insurance Companies and other entities who need to request an update of the DOL on an existing case should send in their request by fax to 512-514-4225. Include 'Attention Tort' on your fax coversheet. If you do not have access to a fax machine, correspondence can be sent by mail to TMHP TPL-Tort Department Attn: Tort Receivables PO Box 202948 Austin, Tx 78720-2948. Include the Tort case number for the existing case along with the client's name & current (incorrect) DOL. In your request, state that the DOL should be updated and provide the correct date. This will ensure that the current case is updated to the correct DOL, and a second case is not created.

How do I request a dispute? How can claims be added to an itemization?

When disputing claims, you must **circle** the unrelated claims on the itemization list received from TMHP Tort Department that are not related to the date of accident or injury. Send a summary explaining why the claims are not related. To add claims to the itemization that are not showing as related, send a copy of the statement received from the provider showing Medicaid made payment on the claim you related claim. Fax or mail your request to the TMHP Tort department for processing. Attorneys can upload case requests directly through the client's case in the Medicaid Tort Portal.

How do I request an updated lien amount?

Attorneys should log into the Medicaid Tort Portal and select the View/Update button on the existing case, open the drop-down for Update Lien Amount and select the Reason for Request. Once you hit Submit, the request is immediately sent to the Tort Department. Allow up to 10 business days for processing. An email notification will be sent when the response letter is ready to be viewed.

How do I request a check confirmation letter?

Once the client's case has been paid in full or the compromise amount has been received, Attorneys case submit a request through the Medicaid Tort Portal to have a check confirmation letter generated. Allow up to 10 business days for processing. An email notification will be sent when the response letter is ready to be viewed.

Why is there still a balance due?

If a balance is still reflected in your client's case and payment has recently been sent, allow up to 10 business days from the date the check was received by our office to apply those funds and close your case. On occasion, the balance remains because the payment amount sent was not the full amount due. In this case, a 'balance due' letter will be sent. In some cases, there are multiple liable third parties, and multiple payments are being sent by the different entities involved. This could lead to a reflecting balance as the payments may not be received at the same time. You also may have a balance due for the case if the check received was returned due to missing information or the check was returned for insufficient funds.

Reductions

What is needed to request a reduction?

To request a reduction, submit the gross settlement amount, itemized list of case expenses, and an itemized list of the outstanding medical payments that were not covered by Medicaid. There is no specific form necessary for this request.

What is the status of the reduction submitted?

Reductions require up to 10 business days for processing. Attorneys can log into the Medicaid Tort Portal to view the response once processed. If the processing time has passed and a response has not been received by mail or through the Medicaid Tort Portal, please reach out to TMHP Tort Department 1-800-846-7307, select option for injury, accident, or informational claims.

Why was my reduction not approved?

Not all cases will warrant a reduction. The Commission may pay reasonable and necessary attorney fees of fifteen percent (15%) of the entire amount recovered on behalf of the Commission, and reasonable expenses not to exceed ten percent (10%) of the entire amount recovered on behalf of the Commission if attorney fees are allowed.

Why can insurance companies not request a reduction?

The Medicaid Tort Department can only calculate reductions when Attorney's fees and Attorney case expenses are to be paid out of the client's settlement.

How can I request the case be escalated for further review?

The Medicaid Tort department cannot negotiate the reduced subrogation amount. If all the required information to process a reduction has been received by the Medicaid Tort Department and the reduction calculated does not allow the client to receive a portion of the settlement funds, a request to escalate can be sent. Requests for escalation must be submitted in writing to the Medicaid Tort Department through the Medicaid Tort Portal by accessing the client's case and selecting the View/Update button. Open the Notice of Hearing/Reduction drop-down, the selected value is Reduction and then upload your supporting documents and hit submit. Allow up to 10 business days for the case to be compiled and forwarded to the Health and Human Services Office of Chief Council.

What is the status of the State Escalation request? How long does it take for the State to respond?

The Medicaid Tort Department can only confirm when a case has been forwarded to the Health and Human Services Office of Chief Council. Once a case has been forwarded to the state for possible further reduction or waiver, the Medicaid Tort Department does not receive an update until a resolution is reached, and the State Medicaid Director has approved the request. Once the case has been forwarded to the state for review, no timeline is provided, and the state will reach out to the attorney for status updates. Additional attachments for state escalations can be submitted via mail or fax.

Portal Questions

How do Attorneys sign up for the Medicaid Tort Portal?

To set up a new Admin account or to become a User of an existing account, follow the link to the Medicaid Tort Portal homepage, <https://psanalytics.accenture.com/tortportal/#/> and click Get Started. Select Non-Accenture Accounts and enter your work email, follow the authenticator process. Once approved, admins and users can view all cases associated with that Portal address.

For more information and detailed instructions, you can find the Tort Portal User Guide and watch the Tort Portal YouTube video by selecting Quick References on the Medicaid Tort Portal homepage.

How many admins can a law firm have per location?

There can be two admins per law firm. The first admin is approved by the Tort Department. The second admin must first be approved as a user by the first admin. Then the first admin can update one user's status to admin. Access the Tort Portal User guide for detailed instructions by selecting Quick References on the Medicaid Tort Portal homepage.

Is there a preferred web browser for the Tort Portal?

The preferred web browser to access the Medicaid Tort Portal is Google Chrome.

How do I request a correction or update to the address on the Medicaid Tort Portal?

Address corrections & updates are submitted by the Attorney admin. The admin will fill out the request providing the new address and reason for change. Once approved by the Tort Department, the address will be updated on all cases associated with that portal account. Access the Tort Portal User guide for detailed instructions by selecting Quick References on the Medicaid Tort Portal homepage.

How do I open a Tort Case?

Attorneys can create new Tort cases and upload letters of representation directly through the Medicaid Tort Portal. <https://psanalytics.accenture.com/tortportal/#/>. Select Get Started on the homepage. Enter the clients first and last name, date of birth and either Medicaid ID or social to check for existing case or create a new case. Access the Tort Portal User guide for detailed instructions by selecting Quick References on the Medicaid Tort Portal homepage.

How can I change or update the law firm's phone number?

You can update your office contact number on the portal directly. Please refer to the user guide under quick references on the Tort Portal Landing page. <https://psanalytics.accenture.com/tortportal/#/>.

How can I change or update my email on the portal?

Once an email is used to set up Tort Portal access, it cannot be changed. The account would have to be deleted, and then a new account request must be submitted.

How can I change or update my address on the portal?

You can update or make changes to your address on the portal. Please refer to the user guide under quick references on the Tort Portal Landing page. <https://psanalytics.accenture.com/tortportal/#/>.