

**DECISION AND ORDER**

This case is decided pursuant to Chapter 410 of the Texas Workers' Compensation Act and Rules of the Division of Workers' Compensation adopted thereunder.

**ISSUE**

A contested case hearing was held on May 19, 2008 to decide the following disputed issue:

Whether the preponderance of the evidence is contrary to the decision of Medical Review that Dr. P is entitled to an additional \$150.00 plus interest under CPT Code 99456-WP for service performed on February 27, 2007?

**PARTIES PRESENT**

Carrier appeared and was represented by an (attorney). Respondent appeared and was represented by an (attorney). Claimant did not appear, and his attendance was waived.

**OFFICIAL NOTICE**

Official notice was taken of Guides to the Evaluation of Permanent Impairment, Fourth Edition.

**BACKGROUND INFORMATION**

Dr. P was requested to provide an MMI/IR exam for the injured worker, Mr. D. Dr. P referred Mr. D to Dr. H, an ophthalmologist, for vision testing. The results of the tests indicated that Mr. D had no loss of vision as a result of a corneal laceration. Dr. P reviewed the results of Dr. H's tests and, using the Guides, assigned a 0% impairment rating.

Dr. P billed the Carrier \$350.00 for assigning MMI, \$50.00 for incorporating a specialist's report, and \$150.00 for utilizing the DRE method of assigning the impairment rating. The Carrier denied the \$150.00 claim. Initially, Medical Dispute Resolution also denied the \$150.00 fee; however, an amended review recommended payment of this fee.

Carrier argues that since the testing done indicated that the injured worker's vision was unimpaired, Dr. P could only have assigned a 0% impairment rating and that any DRE rating was unnecessary. Dr. P testified that he used Chapter 8 of the Guides to assign the 0% impairment rating.

The greater weight of the evidence is not contrary to the findings of Medical Review and the Petitioner (Carrier) is liable for the additional \$150.00 plus applicable accrued interest for the service performed on February 27, 2007 and billed under CPT Code 99456-WP.

Even though all the evidence presented was not discussed, it was considered. The Findings of Fact and Conclusions of Law are based on all of the evidence presented.

## **FINDINGS OF FACT**

1. The parties stipulated to the following facts:
  - A. Venue is proper in the (City) Field Office of the Texas Department of Insurance, Division of Workers' Compensation.
  - B. On \_\_\_\_\_, Claimant was the employee of (Employer) when he sustained a compensable injury.
2. Carrier delivered to Claimant and Health Care Provider a single document stating the true corporate name of Carrier, and the name and street address of Carrier's registered agent, which document was admitted into evidence as Hearing Officer's Exhibit Number 2.
3. The preponderance of the evidence is not contrary to the decision of Medical Review rendered on November 29, 2007 that Respondent (Provider) is entitled to an additional \$150.00 under CPT Code 99456-WP for services rendered on February 27, 2007 and the Petitioner (Carrier) is liable for the additional \$150.00 plus applicable accrued interest.

## **CONCLUSIONS OF LAW**

1. The Texas Department of Insurance, Division of Workers' Compensation, has jurisdiction to hear this case.
2. Venue is proper in the (City) Field Office.
3. Dr. P is entitled to \$150.00 plus interest under CPT Code 99456-WP for a service performed on February 27, 2007.

## **DECISION**

Dr. P is entitled to \$150.00 plus interest under CPT Code 99456-WP for services performed on February 27, 2007.

## **ORDER**

Dr. P is entitled to \$150.00 plus interest under CPT Code 99456-WP for services performed on February 27, 2007. Carrier is liable to the health care provider for payment of \$150.00 plus interest for services rendered on February 27, 2007 under CPT code 99456-WP.

The true corporate name of the insurance carrier is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**JB**  
**(ADDRESS)**  
**(CITY), TEXAS (ZIP CODE)**

Signed this 23rd day of May, 2008.

Carolyn Cheu  
Hearing Officer