



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)
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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

American Specialty Pharmacy

Respondent Name

Texas Mutual

MFDR Tracking Number

M4-15-2990-01

Carrier's Austin Representative

Box Number 54

MFDR Date Received

May 15, 2015

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: No position statement submitted.

Amount in Dispute: \$1,511.22

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "...Lidocaine and Ketamine topicals has an "N" status drug under ODG. Rule 134.530(b)(1)(B) states, "Preauthorization for claims subject to the Division's closed formulary ...is ...required for: any compound that contains a drug identified with a status of "N" in the current edition of the ODG Treatment in Workers' Comp (ODG) / Appendix A, ODG Workers Compensation Drug Formulary... ..No Payment is due. "

Response Submitted by: Texas Mutual Insurance

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
February 19, 2015	Flurbiprofen, Ketamine, Lidocaine, Gabapentin, Ethoxy Diglycol, Propylene Glycol, Versapro Cream	\$1,511.22	\$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.530 sets out requirements for use of the closed formulary for claims not subject to certified networks.

3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes;
 - A11 – Preauthorization required for “N” drugs in ODG Appendix A per Rule 134.503 & 134.504
 - 197 – Precertification/authorization/notification absent.

Issues

1. Did the carrier support that denial reason?
2. Is the requestor entitled to reimbursement?

Findings

1. The carrier denied the disputed service as 197 – “Precertification/authorization/notification absent.”

Results of review of the TX COMP claim profile at <https://txcomp.tdi.state.tx>, finds no active Certified network. Therefore, the applicable rule is 28 Texas Administrative Code §134.530 which states in pertinent part, “(b) Preauthorization for claims subject to the Division's closed formulary. (1) Preauthorization is only required for:

(A) drugs identified with a status of "N" in the current edition of the ODG Treatment in Workers' Comp (ODG) / Appendix A, ODG Workers' Compensation Drug Formulary, and any updates;

(B) any compound that contains a drug identified with a status of "N" in the current edition of the ODG Treatment in Workers' Comp (ODG) / Appendix A, ODG Workers' Compensation Drug Formulary, and any updates; and

(C) any investigational or experimental drug for which there is early, developing scientific or clinical evidence demonstrating the potential efficacy of the treatment, but which is not yet broadly accepted as the prevailing standard of care as defined in Labor Code §413.014(a).”

Review of the submitted medical claim finds;

- a. Appendix A, ODG Workers' Compensation Drug Formulary lists – “Lidocaine, Ketamine and Gabapentin” – with a status of “N”.
- b. State of Pharmacy Services / DWC066 (no prior authorization present)

As this was a compounded cream with “N” status ingredients, prior authorization was required but was not obtained. The Carrier’s denial is supported.

2. As no documentation was found to support the requirements of Pharmacy Rule 134.530 were met, no additional payment can be recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

_____	_____	July 9, 2015
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.