



# TEXAS DEPARTMENT OF INSURANCE

## Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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### MEDICAL FEE DISPUTE RESOLUTION DECISION AND ORDER

#### General Information

**Requestor Name**

Memorial Compounding Pharmacy

**Respondent Name**

Hartford Underwriters Insurance

**MFDR Tracking Number**

M4-19-1862-01

**Carrier's Austin Representative**

Box Number 47

**MFDR Date Received**

November 1, 2018

**Response Submitted By:**

The Hartford

#### Requestor's Position Summary

"These medications do not require preauthorization therefore do not need a retrospective review."

#### Respondent's Position Summary

"Denial of medication was based on the following findings: Any compounded product that contains at least one drug (or drug class) that is not recommended is not recommended. ...There is no indication why the patient cannot take oral cyclobenzaprine."

#### Service in Dispute

Date of Service	Disputed Service	Amount in Dispute	Order
March 29, 2018	Meloxicam, Flurbiprofen, Tramadol, Cyclobenzaprine, Bupivacaine, Ethoxy Diglycol, Versapro Cream, Compounding fee	\$726.62	\$0.00

#### Authority

This medical fee dispute is processed pursuant to Texas Labor Code 413.031 (c) and 28 Texas Administrative Code §133.307 of the Texas Department of Insurance, Division of Workers' Compensation.

#### Background

- The compound in question was denied during prospective review for medical necessity.
- The insurance carrier attached a copy of documentation that supports an adverse determination as required by 28 TAC §133.307(d)(2)(I)

#### Findings

The service in dispute is a compounded medication. Applicable 28 TAC §134.530 states that preauthorization is only required for any prescription drug created through compounding prescribed before July 1, 2018 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.

Although the compound in dispute did not contain an "N" drug, the prescriber in this case voluntarily sought preauthorization or prospective utilization review from the carrier on March 9, 2018. As a result, the insurance

carrier performed utilization review. The insurance carrier presented evidence that it performed the utilization review in accordance with Insurance Code, Chapter 4201 and Chapter 19, Subchapter U of the Texas Administrative Code. Additionally, the insurance carrier presented evidence that it performed utilization review prior to or concurrent with the processing of the medical bill in dispute as required by 28 TAC §133.240.

The prescriber's request for preauthorization was denied on March 15, 2018. The utilization reviewer attempted to contact the physician twice on March 9, 2018 and twice on March 12, 2018 but was unable to speak to prescribing physician.

Both the prescriber and Memorial Compounding Pharmacy were notified of the denial on March 15, 2018. There is no evidence that the prescriber or Memorial sought reconsideration of appeal of the denial.

For that reason, we conclude that no payment is due.

### **Conclusion**

The prescriber requested preauthorization for the compound in dispute. The preauthorization request was denied. Memorial Compounding Pharmacy was notified of the denial. No payment is due.

### **ORDER**

Based on the submitted information the division has determined that the requestor is not entitled to reimbursement for the services in dispute.

### **Authorized Signature**

_____	_____	September 6, 2019
Signature	Medical Fee Dispute Resolution Officer	Date

### **RIGHT TO APPEAL**

Either party to this medical fee dispute may seek review of this division decision. To appeal, submit form division Form-045M titled **Request to Schedule, Reschedule, or Cancel a Benefit Review Conference to Appeal a Medical Fee Dispute Decision (BRC-MFD)** found at <https://www.tdi.texas.gov/forms/form20numeric.html>.

Follow the instructions on pages 3 and 4. The request must be received by the division within twenty days of your receipt of this decision. This decision becomes final if the request for review of this decision is not timely made.

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.

If you have questions about the division Form-045M, please call CompConnection at 1-800-252-7031, Option 3 or you may email your question to [CompConnection@tdi.texas.gov](mailto:CompConnection@tdi.texas.gov)