



# 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**

MEMORIAL COMPOUNDING RX

**Respondent Name**

NEW HAMPSHIRE INSURANCE CO

**MFDR Tracking Number**

M4-19-5003-01

**Carrier's Austin Representative**

Box 19

**MFDR Date Received**

JULY 26, 2019

#### REQUESTOR'S POSITION SUMMARY

"The above claimant received medication and the carrier still has not acknowledged receipt of service."

**Amount in Dispute:** \$605.57

#### RESPONDENT'S POSITION SUMMARY

"This bill is covered by the agreement described in the excerpt below, and has been paid per that contract based upon the EOR attached along with a copy of the bulk check from Tmesys."

**Response Submitted by:** Flahive, Ogden & Latson

#### SUMMARY OF FINDINGS

| Date of Service | Disputed Services   | Amount In Dispute | Amount Due |
|-----------------|---------------------|-------------------|------------|
| April 23, 2019  | Compound Medication | \$605.57          | \$0.00     |

#### FINDINGS AND DECISION

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

#### **Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes
2. 28 Texas Administrative Code §134.503 sets out the reimbursement for compound medications
3. Explanation of Benefits:
  - P12-Workers compensation jurisdictional fee schedule adjustment.
  - P12-The charge for the prescription drug is greater than the maximum reimbursement for a generic drug.

**Findings**

The DWC makes the following conclusions based upon the information and documentation presented to the DWC to date. Even though all the evidence was not discussed, it was considered.

*1. Did the carrier reimburse Memorial for the disputed services?*

Memorial Compounding Rx (Memorial) asserts that the carrier has not paid for the service in dispute. Review of the explanations of benefits provided finds that the carrier issued a payment in the amount of \$474.47 to Memorial on June 20, 2019 with check #0002273464.

The DWC concludes that Memorial has received payment for the service in dispute.

*2. Is additional reimbursement due?*

The carrier reduced the billed amount to a total payment of \$474.47. Rule at 28 Texas Administrative Code §134.503(c) applies and states, in pertinent part, that the insurance carrier shall reimburse the lesser of: (1) the fee established by the Division’s applicable formula based on the average wholesale price (AWP) as reported by a nationally recognized pharmaceutical price guide or other publication of pharmaceutical pricing data in effect on the day the prescription drug is dispensed; or (2) the amount billed to the insurance carrier.

Memorial is requesting reimbursement in the amount of \$605.57 for the disputed service. Memorial has the burden to support its request for this amount. In its original position statement, Memorial did not demonstrate how it arrived at the requested amount or whether that amount is consistent with the methodology under 28 TAC §134.503(c). After notification by the DWC’s medical fee dispute resolution program of the carrier’s response and payment, Memorial did not take the opportunity to refute the carrier’s payment calculation. For that reason, the DWC moves to resolve this dispute with the information available and concludes that no additional reimbursement can be recommended.

**Conclusion**

The DWC concludes that Memorial has already been paid for the service in dispute. As a result, the amount ordered is \$0.00.

***ORDER***

Based on the submitted information, and pursuant to Texas Labor Code Section 413.031, the DWC has determined that the requestor is not entitled to additional reimbursement for the services in dispute.

**Authorized Signature**

|           |  |            |
|-----------|--|------------|
|           |  | 09/13/2019 |
| Signature | Medical Fee Dispute Resolution Officer | Date       |

### ***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, 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 DWC within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the DWC using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR 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 DWC. **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.**