



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

MERGED ROYAL INSURANCE CO OF AMERICA

MFDR Tracking Number

M4-21-0763-01

Carrier's Austin Representative

Box Number 10

MFDR Date Received

January 12, 2021

REQUESTOR'S POSITION SUMMARY

"It looks like the carrier processed and paid only PARTIAL of the total bill."

Amount in Dispute: \$86.50

RESPONDENT'S POSITION SUMMARY

"Please find the original utilization review of 10-5-2015 where the Acetaminophen codeine tablet 300-30 mg was adverse."

Response Submitted by: Arrowpoint Capital

SUMMARY OF FINDINGS

Table with 4 columns: Dates of Service, Disputed Services, Amount In Dispute, Amount Due. Row 1: September 22, 2020, Acetaminophen/Codeine #3 Tablets, \$86.50, \$40.25

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 fee guidelines for pharmaceutical services.
3. 28 Texas Administrative Code §134.503 sets out the requirements for pharmacy prior authorization.
4. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
- 39 - Services denied at the time authorization/pre-certification was requested.

Issues

1. Is the insurance carrier’s denial of payment supported?
2. Is Memorial Compounding Rx (Memorial) entitled to additional reimbursement?

Findings

1. Memorial is seeking reimbursement for acetaminophen/codeine #3 tablets dispensed on September 22, 2020. The insurance carrier denied payment based on a denial of preauthorization and medical necessity. 28 TAC 134.530 (b) states, in pertinent part, that preauthorization is only required for 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. Review of the relevant Appendix A found that the drugs in question do not have a status of “N.”

Arrowpoint Capital argued on behalf of the insurance carrier, that preauthorization had been requested in 2015 and was denied. Because the drug in question does not require a preauthorization, it is considered a voluntary request.

If the insurance carrier and the health care provider do not come to an agreement regarding a voluntary authorization of a service that does not require preauthorization, the service is subject to retrospective review of medical necessity.¹ The insurance carrier failed to provide any evidence that it performed a retrospective review of the medications in question. Therefore, the insurance carrier’s denial of payment for this reason is not supported.

2. Because the insurance carrier failed to support its denial reason for the service in this dispute, the DWC finds that Memorial is entitled to reimbursement.

The reimbursement considered in this dispute is calculated as follows²:

- Acetaminophen/codeine #3 Tablets: $(0.48331 \times 60 \times 1.25) + \$4.00 = \$40.25$

The total allowable reimbursement is \$40.25. This amount is recommended.

Conclusion

For the reasons stated above, the DWC finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$40.25.

ORDER

Based on the submitted information, pursuant to Texas Labor Code Section 413.031 and 413.019 (if applicable), the DWC has determined the requestor is entitled to additional reimbursement for the disputed services. The DWC hereby ORDERS the respondent to remit to the requestor \$40.25, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

		February 10, 2021
Signature	Medical Fee Dispute Resolution Officer	Date

¹ 28 TAC §134.600 (r)
² 28 TAC §134.503 (c)

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with Rule §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 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. **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.