



# 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**

OLD REPUBLIC INSURANCE CO

**MFDR Tracking Number**

M4-21-0875-01

**Carrier's Austin Representative**

Box Number 44

**MFDR Date Received**

January 29, 2021

#### REQUESTOR'S POSITION SUMMARY

"The above claimant received medication and carrier denied the request indicating that the bill has been returned, as an alternate vendor. Memorial Compounding Pharmacy does not have a contract with the alternate vendor; therefore, claim should be processed by the direct carrier. This claim has been denied incorrectly."

**Amount in Dispute:** \$113.70

#### RESPONDENT'S POSITION SUMMARY

Submitted documentation does not include a position statement from the respondent. Accordingly, this decision is based on the information available at the time of adjudication.

#### SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
November 12, 2020	Acetaminophen/Codeine #4 Tablets	\$113.70	\$74.25

#### 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**

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
- 28 Texas Administrative Code §134.503 sets out the fee guidelines for pharmaceutical services.
- The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
  - HE76 – Denied-This Claim is Terminated.

**Issues**

1. Did Old Republic Insurance Company respond to the medical fee dispute?
2. Is the dispute in question subject to dismissal based on liability?
3. Is Memorial Compounding Rx (Memorial) entitled to reimbursement?

**Findings**

1. The Austin carrier representative for Old Republic Insurance Company is White Espey, PLLC. The representative was notified of this medical fee dispute on February 2, 2021. If the DWC does not receive the response within 14 calendar days of the dispute notification, then the DWC may base its decision on the available information.<sup>1</sup>

As of today, no response has been received from the insurance carrier or its representative. We will base this decision on the information available.

2. Memorial is seeking reimbursement for Acetaminophen/Codeine #4 tablets dispensed on November 12, 2020. The insurance carrier denied the drug based on liability. A dispute regarding liability must be resolved prior to a request for medical fee dispute.<sup>2</sup>

The respondent is required to attach a copy of any related Plain Language Notice (PLN) if the medical fee dispute involves compensability or liability. Review of the submitted documentation finds that Old Republic Insurance Company failed to provide a copy of a related PLN to support a denial based on liability.

The dispute in question is not subject to dismissal as this denial reason was not supported.

3. Because Old Republic Insurance Company 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 follows<sup>3</sup>:

- Acetaminophen/Codeine #4 tablets:  $(09367 \times 60 \times 1.25) + \$4.00 = \$74.25$

The total allowable reimbursement is \$74.25. This amount is recommended.

**Conclusion**

The outcome of this medical fee dispute relied upon the evidence presented by the requestor and the respondent at the time of adjudication. Though all the evidence may not have been discussed, it was considered. 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 \$74.25.

***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 \$74.25, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

**Authorized Signature**

Signature	Medical Fee Dispute Resolution Officer	May 6, 2021 Date
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<sup>1</sup> 28 TAC §133.307(d)(1)

<sup>2</sup> 28 Texas Administrative Codes §§133.305(b) and 133.307(c)(1)(B)(i)

<sup>3</sup> 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.**