

**TEXAS WORKERS' COMPENSATION COMMISSION  
MEDICAL REVIEW DIVISION, MS-48  
MEDICAL DISPUTE RESOLUTION  
FINDINGS AND DECISION**

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	δ	
<b>Requestor</b>	δ	
	δ	
<b>V.</b>	δ	<b>MDR TRACKING #: M5-02-2969-01</b>
	δ	<b>TWCC FILE #:</b>
<b>Travelers Insurance</b>	δ	<b>CLAIMANT:</b>
<b>Rep Box #5</b>	δ	<b>DOI:</b>
	δ	
<b>Respondent</b>	δ	
	δ	
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**Si prefiere hablar con una persona de habla hispana acerca de esta correspondencia sirvase llamar al 1-512-804-4824, \_\_\_\_\_, Administrative Technician II.**

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective September 1, 1993 and Commission Rule 133.305 Titled (Request for Medical Dispute Resolution), a dispute resolution review was conducted by the Medical Review Division regarding a medical payment dispute between the requestor and the respondent named above.

**I. DISPUTE**

- 1. a. Whether there should be reimbursement for tennis shoes.
- b. The request was received on 7-19-02.

**II. EXHIBITS**

- 1. Requestor
  - a. TWCC 60
  - b. Receipts of Payment
  - c. Medical Records
  - e. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
- 2. Respondent
  - a. TWCC 60 and Response to a Request for Dispute Resolution

- b. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.

### III. PARTIES' POSITIONS

#### 1. Requestor:

- a. I received your letter with the Medical Dispute Resolution Request/Response form TWCC60s but it does not seem to address my concerns. I filled it up as much as possible and have attached different letters and copies of prescriptions that have gone unfilled and unanswered by the carrier at any time for the past year or so... Since the carrier has refused to deal or contact the medical equipment service provider regarding the prescriptions for the shoes, medication, or TENS unit supplies for electrodes, batteries and charger the prescriptions have gone unfilled and just left pending from year to year.”
- b. TWCC 60 table: “See Attached Sheet Doc refusal to see Doct.; See Attached sheet prescription medication. See Attached sheets Paid for Orthopedic Shoes; See Attached sheet Paid for Orthopedic Tennis shoes; See Attached sheet 9 V Batteries; See Attached sheet Electrodes; See Attached sheet YMCA; See Attached sheet Doctors appointment; See Attached sheet (illegible) charger; See Attached sheet Othn shoes; See Attached sheet Ortho tennis.”

#### 2. Respondent:

- a. TWCC 60: “Carrier is unsure what the dispute is. Carrier had paid all doctor, hospital and pharmacy bills that have been submitted to date. See attached.”
- b. Dan Flanagan, Insurance Carrier’s Representative

“In reviewing the attached medical dispute filed by claimant there are several issues that should be addressed.

First, Mr. \_\_\_\_ is apparently filing for four different disputes. We are not sure which one fits this dispute but we believe it should be in the Fee Reimbursement category.

The issue in this dispute is reimbursement for shoes allegedly prescribed by claimant’s doctor, which would be considered DME.

According to the Commission’s ground rules for DME it refers to those items that can withstand repeated use, are primarily used to serve a medical purpose, are generally not useful to a person in the absence of illness, injury or disease and are appropriate for use in the injured workers’ home. The purchase of these shoes clearly fit all categories.

In addition, billing from the prescribing doctor must contain several items. A statement of medical necessity, claimant’s diagnosis, prognosis, and expected duration of the

item(s).

The injured worker purchased two pairs of shoes when only one was authorized. The above listed requirements were not included in any prescriptions received by the carrier.”

c. Patricia A. Pursley, Senior Claim Specialist:

“Carrier received copy of prescription for orthopedic shoes along with request for reimbursement for same from claimant. Carrier made contact with Dr. Arredondo’s office for additional information as the script was void of data written. Treating doctor’s office said they had not written a recent prescription for the above claimant. . . carrier made additional phone call to Dr. Arredondo’s office for information. Treating doctor’s office stated claimant last saw doctor on May 22, 2001 with no phone calls or contacts for re-evaluation or for prescription of shoes or gym membership.”

#### IV. FINDINGS

1. Based on Commission Rule 133.305(d)(1-2), the only dates of service eligible for review are those commencing on 2-8-02. Dates of service prior to 7-19-01 were submitted untimely per above referenced rule.
2. The following table identifies the disputed services and Medical Review Division's rationale:

DOS	CPT CODE	BILLED	PAID	EOB Denial Code	MARS (Maximum Allowable Reimbursement)	REFERENCE	RATIONALE:
2-8-02	Orthopedic Shoes	\$75.76	\$0.00	No EOB	DOP	General Instructions GR III DME GR VIII DME GR IX, (A)(B)	Absent and EOB for the disputed services, the Medical Review Division reviewed disputed shoes per MFG. Tennis shoes were purchase4d at Journeys #981. The requestor submitted a prescription for walking shoes that was not dated. Doctor’s progress note of 8-6-02 stated that claimant states that Orthopaedic shoes are helpful in controlling the post-traumatic symptoms. On 8-9-02 Dr. Arredondo wrote a prescription for orthopedic shoes and tennis shoes. This date and prescription is after the disputed date of service. The requestor did not provide documentation that complied with DME GRs, specifically, a letter of medical necessity for the tennis shoes and orthopedic shoes, claimant’s diagnosis, prognosis and expected duration the shoes would be required. Therefore, no reimbursement is recommended.
2-8-02	Tennis shoes	\$70.35	\$0.00		DOP		
<b>Totals</b>							The Requestor is <b>not</b> entitled to reimbursement.

The above Findings and Decision are hereby issued this 10<sup>th</sup> day of March, 2003.

Medical Dispute Resolution Officer  
Medical Review Division