

MDR Tracking Number: M5-04-0276-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 9/24/03.

I. DISPUTE

Whether there should be additional reimbursement for 97530, 97110, 97124, 99213, 97265, 97112, 97116, 97530, 97545WH and 97546WH from 8/1/02 through 10/25/02 reduced on the basis of "H" – reimbursement is based upon half of the fee amount pending decision of audit or review.

II. FINDINGS

Per Rule 133.307 (c) and (d) "A request for medical dispute resolution of a medical fee dispute must be timely filed with the commission's Medical Review Division (division).

(d) Timeliness. A person or entity who fails to timely file a request waives the right to medical dispute resolution. The commission shall deem a request to be filed on the date the division receives the request, and timeliness shall be determined as follows:

- (1) A request for medical dispute resolution on a carrier denial or reduction of a medical bill pursuant to §133.304 of this title (relating to Medical Payments and Denials) or an employee reimbursement request shall be considered timely if it is filed with the division no later than one (1) year after the date(s) of service in dispute."

Therefore, all disputed services prior to 9/24/02 are not within Commission jurisdiction and will not be reviewed.

III. RATIONALE

All disputed services were partially paid by the carrier using "H – reimbursement is based upon half of the fee amount pending decision of audit or review." No other denial or reduction reasons were offered by the respondent. On this basis, all services will be reviewed as per the 1996 Medical Fee Guideline.

The requestor submitted relevant information per 13.307(j) for the office visits, physical therapy and work hardening verifying delivery of service.

Section 408.21 of the Texas Labor Code states, “An employee who sustains a compensable injury is entitled to all health care reasonably required by the nature of the injury as and when needed. The employee is specifically entitled to health care that:

- (1) cures or relieves the effects naturally resulting from the compensable injury;
- (2) promotes recovery; or
- (3) enhances the ability of the employee to return to or retain employment.”

The carrier failed to re-review the disputed bills upon completion of their audit or investigation. On this basis, reimbursement is recommended as follow:

97530 x 19 units – an additional \$17.50 per unit is recommended.
97110 x 4 units – an additional \$17.50 per unit is recommended.
97124 x 5 units – an additional \$14.00 per unit is recommended.
99213 x 7 units – an additional \$24.00 per unit is recommended.
97265 x 3 units – an additional \$21.50 per unit is recommended.
97112 x 7 units - an additional \$17.50 per unit is recommended.
97116 x 6 units - an additional \$19.00 per unit is recommended.
97545-WH x 10 units - an additional \$51.20 per unit is recommended.
97546-WH x 60 units - an additional \$25.60 per unit is recommended.

Reimbursement of \$2,989.50 is recommended.

IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for 97530, 97110, 97124, 99213, 97265, 97112, 97116, 97530, 97545WH and 97546WH in the amount of **\$2,989.50** Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby **ORDERS** the Respondent to remit **\$2,989.50** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 17th day of June 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

Roy Lewis, Supervisor
Medical Dispute Resolution
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RL/nlb