

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 10/3/03.

I. DISPUTE

Whether there should be reimbursement for 97110, 97010 and 97014 from 7/1/02 through 4/30/03.

II. FINDINGS

All service prior to 10/3/02 were not within Commission jurisdiction as per Rule 133.307 (c) and (d) and will therefore not be reviewed in this decision. Services from 1/1/03 through 4/31/03 were denied by the carrier on the basis of medical necessity. The Medical Review Division dismissed the medical necessity portion of this dispute for nonpayment of the IRO fee as per Rule 133.308. Therefore, the only services eligible for review are from 10/7/02 through 10/31/02.

III. RATIONALE

EOBs were not submitted by either the requestor or the respondent for the services dated 10/7/02 through 10/30/02.

Commission Rule 133.307 (e)(2)(A-B) states, “(2) Each copy of the request shall be legible, include only a single copy of each document, and shall include:

(B) a copy of each explanation of benefits (EOB) or response to the refund request relevant to the fee dispute or, if no EOB was received, convincing evidence of carrier receipt of the provider request for an EOB;”

The requestor failed to furnish the EOB or “convincing evidence of carrier receipt of the provider request for an EOB”. On this basis, reimbursement is not recommended.

IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for 97110, 97010 and 97014 for 10/7/02 through 10/31/02.

The above Findings and Decision are hereby issued this 24th day of May, 2004.

Noel L. Beavers
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Medical Review Division

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