

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 10/7/03.

### I. DISPUTE

Whether there should be reimbursement for 97018, 97110, 97250, 97265,99070, E1399, 99213 and 99203 from 5/8/03 through 6/26/03 denied for lack of medical necessity.

### II. FINDINGS

The requestor originally submitted a Table of Disputed Services with the majority of services denied by the carrier on the basis of medical necessity. These services were dismissed by the Commission as a result of the requestor's failure to pay the IRO fee as required by Rule 133.308. Neither the requestor nor respondent submitted EOBs for the remaining dates of service, 5/2/03, 5/28/03 and 6/26/03. Therefore, these services will be reviewed per the 1996 Medical Fee Guideline.

### III. RATIONALE

Per Commission Rule 133.307 (e)(2)(A-B), "(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 submit "convincing evidence of carrier receipt of the provider requestor for an EOB". On this basis, reimbursement is not recommended.

### IV. DECISION

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 97018, 97110, 97250, 97265,99070, E1399, 99213 and 99203 for 5/2/03, 5/28/03 and 6/26/03..

The above Findings and Decision are hereby issued this 25<sup>th</sup> day of May, 2004.

Noel L. Beavers  
Medical Dispute Resolution Officer  
Medical Review Division