

MDR Tracking Number: M5-04-1795-01

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 2-18-04.

### I. DISPUTE

- a. Whether there should be reimbursement for outpatient services rendered on 9-26-03.

### II. FINDINGS and RATIONALE

- a. The requestor billed \$338.43 for outpatient services for cervical Depo-Medrol and Marcaine Injection.
- b. The respondent denied reimbursement based upon "V – unnecessary treatment with peer review."
- c. The total amount in dispute is \$338.43.
- d. On 9-17-03, Brenda with HDI gave preauthorization for cervical Depo-Medrol and Marcaine Injection preauthorization #013827101. Therefore, the insurance carrier is in violation of Rule 133.301(a) by retrospectively denying preauthorized treatment based upon not medically necessary.
- e. A fee guideline does not exist for outpatient services; therefore, disputed services are subject to fair and reasonable reimbursement.
- f. The insurance carrier did not dispute the amount billed was not fair and reasonable.

Reimbursement of \$338.43 is recommended for outpatient services.

### III. 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 outpatient services in the amount of \$338.43. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby **ORDERS** the Respondent to remit **\$338.43** 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 1<sup>st</sup> day of November 2004.

Elizabeth Pickle  
Medical Dispute Resolution Officer  
Medical Review Division