

MDR Tracking Number: M5-04-2093-01

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 11/8/02.

I. DISPUTE

Whether there should be additional reimbursement for a chronic pain program – 97799 – CP from 11/6/01 through 1/3/02.

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 11/8/01 are not within Commission jurisdiction and will not be reviewed.

III. RATIONALE

The requestor submitted copies of information confirming that 30 sessions of the disputed service had been preauthorized prior to delivery of service.

However, no EOBs were submitted by either the requestor or respondent. Rule 133.304(a) states, “ Except as provided in subsections (d) and (e) of this section, an insurance carrier shall take final action on a medical bill not later than the 45th day after the date the insurance carrier received a complete medical bill.

Commission Rule 133.307 (e)(2)(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 was notified on 4/11/03 to submit 2 copies of relevant information pertinent to this Dispute. The requestor furnished "convincing evidence" of pursuit of the EOBs from the carrier. The requestor provided a chronological log of contacts with the carrier in response to the C&P violation assignment letter. This phone log is convincing evidence of the various contacts with the carrier's representatives, adjusters, supervisors, etc., who acknowledged the disputed problems, re-requested faxed information and even more convincingly issued payment to the provider without the EOB. All of the information provided convinces Medical Review that the carrier received the information and had the opportunity to review/audit the disputed billing. On this basis reimbursement is recommended.

Also, the carrier paid full CARF rate, without the 20% reduction, on some of the services and took the reduction on others. The respondent failed to present to the requestor any other denial/payment reduction reasons for these preauthorized services. On this basis, full CARF reimbursement is recommended.

IV. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined the requestor **is** entitled to reimbursement for 30 session of 97799 – chronic pain program from 11/6/01 through 1/3/02 in the amount of **\$19,440.30**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$19,440.30** 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 30th day of June 2004.

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DRM/nlb