

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 07-29-03.

Dates of service 03-20-02 through 07-25-02 per Rule 133.308(e)(1) were not timely filed and will not be reviewed by the Medical Review Division.

### **I. DISPUTE**

Whether there should be reimbursement for prescription medications for dates of service 09-10-02 through 09-25-02.

### **II. FINDINGS**

The medical necessity issues were withdrawn on 07-29-04 by James Wathen from Medical Center Pharmacy. Per Rule 133.307(g)(3), a Notice was submitted to the requestor on 07-30-04 requesting the requestor to submit additional documentation necessary to support the fee charges and to challenge the reasons the respondent had denied reimbursement within 14 days of the requestor's receipt of the Notice.

### **III. RATIONALE**

Review of the requestor's and respondent's documentation revealed that neither party submitted copies of EOB's. Per Rule 133.308(f)(2)(3) the requestor did not submit convincing evidence of carrier receipt of the reconsideration submission. No reimbursement is 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 prescription medications for dates of service 09-10-02 through 09-25-02.

The above Findings and Decision are hereby issued this 4th day of November 2004.

Debra L. Hewitt  
Medical Dispute Resolution Officer  
Medical Review Division

DLH/dlh