

MDR Tracking Number: M5-04-3518-01 (Previously M5-04-0132-01)

The Medical Review Division's decision of 5/25/04 was appealed and subsequently withdrawn by the Medical Review Division applicable to a withdrawal of 6/15/04 issued by David R. Martinez, Manager of Medical Dispute Resolution. A copy of the withdrawal order is reflected in Exhibit 1 of the Commission's case file.

The Medical Review Division rendered a Findings and Decision involving a medical payment dispute. The dispute was predicated on the carrier's denial of payment for services based on lack of preauthorization. The Medical Review Division's Decision of 5/25/04 was issued based upon the requestor failing to submit medical documentation to support delivery of service. Further review indicated that additional documentation had not been requested of the medical provider as required per Rule 133.307(g)(3). This resulted in the Commission declining to issue an Order on the dispute. Since withdrawal of the Findings and Decision, the requestor has furnished medical documentation which has been submitted to the carrier for response.

The Medical Review Division (Division) reviewed the information submitted by the parties in the captioned medical fee dispute, including the additional information submitted by the requestor and has issued the enclosed Amended Findings and Decision.

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 9/8/03.

I. DISPUTE

Whether there should be additional reimbursement for work hardening program 97545-WH and 97546-WH from 9/23/02 through 10/24/02 denied on the basis of lack of preauthorization and lack of documentation and reduced by "S" – supplemental payment.

II. RATIONALE

The requestor submitted the preauthorization letter of 9/18/02 showing that the disputed work hardening program had been preauthorized prior to delivery of service. Rule 134.600 (b)(1) states, "The insurance carrier is liable for all reasonable and necessary medical costs relating to the health care required to treat a compensable injury... when...

- (B) preauthorization of any health care listed in subsection (h) of this section was approved prior to providing the health care;"

Rule 134.600 (h) states, health care requiring preauthorization includes:...

- (1) work hardening or work conditioning services;"

The requestor supported that the program was accredited by CARF by submitting a letter dated 10/15/02 from CARF verifying CARF accreditation. The requestor submitted bills to the carrier with the proper "-AP" with the exception of 9/23/02 and 9/26/02. The MFG, MGR, (II)(C) states, "Accreditation by CARF is recommended, but not required, for all interdisciplinary programs. If the program is accredited, then the modifier "-AP" shall be used in addition to the other modifiers designated for the listed interdisciplinary programs. If the interdisciplinary program is not accredited, the hourly reimbursement for the program shall be reduced 20% below the maximum allowed reimbursement..."

The requestor established that the disputed services were preauthorized, were CARF accredited and that the delivery of services was properly documented. All reasons for denial have been addressed. It is recommended the requestor be reimbursed.

III. AMENDED 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 97545-WH-AP and 97546-WH-AP in the amount of **\$4,352.00**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$4,352.00** 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 19th day of August 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

RL/nlb