

**SOAH DOCKET NO. 453-05-7485.M5
TDI DWC MR NO. M5-05-2015-01**

**TEXAS MUTUAL INSURANCE
COMPANY,
Petitioner**

V.

**WOL+MED, EDWARD WOLSKI, M.D.,
Respondent**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DECISION AND ORDER

I. INTRODUCTION

Texas Mutual Insurance Company (Carrier) disputes a decision of the former Texas Workers' Compensation Commission (TWCC), Medical Review Division (MRD) regarding medical services for ___ (Claimant). MRD agreed with WOL+MED/Edward Wolski (Provider) and ordered Carrier to pay Provider an additional \$225.65 for current procedural terminology (CPT) code 64999, interferential current therapy services provided to the Claimant on January 31, 2003. The Carrier previously paid the Provider \$29.35 for those services, which the Carrier continues to contend was fair and reasonable reimbursement.

On the day of the hearing, the Provider withdrew its request for additional reimbursement. Based on that, the Administrative Law Judge (ALJ) finds that \$29.35 was fair and reasonable reimbursement and no additional reimbursement is due.

II. FINDINGS OF FACT

1. On___, the Claimant sustained a work-related injury.
2. On the date of injury, the Carrier was the workers' compensation insurance carrier for the Claimant's employer.
3. On January 31, 2003, the Provider furnished CPT Code 64999, interferential current therapy services to the Claimant to treat his injury.
4. The Provider sought \$255 from the Carrier as reimbursement for the 64999 services.

5. The Carrier reimbursed the Provider \$29.35 for the 64999 services.
6. The Provider filed a request for medical dispute resolution with the TWCC.
7. MRD ordered the Carrier to pay Provider an additional \$225.65 for the 64999 services.
8. The Carrier asked for a contested-case hearing by a State Office of Administrative Hearings (SOAH) ALJ concerning the above dispute.
9. This dispute was referred by TWCC and accepted by SOAH prior to September 1, 2005, for hearing.
10. Required notice of a contested-case hearing concerning the dispute was mailed to the Carrier and the Provider.
11. On February 16, 2006, SOAH ALJ William G. Newchurch held a contested-case hearing concerning the dispute at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas. The hearing concluded and the record closed on that same day.
12. The Carrier appeared at the hearing through its attorney, Patricia Eads.
13. The Provider appeared at the hearing through its representative, Lauren Eggleston.
14. At the hearing, the Provider withdrew its request for additional reimbursement for the 64999 services.

III. CONCLUSIONS OF LAW

1. SOAH has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a decision and order, pursuant to TEX. LABOR CODE ANN. (Labor Code) §§ 402.073(b) and 413.031(k) (West 2005), TEX. GOV'T CODE ANN. (Gov't Code) ch. 2003 (West 2005), and Acts 2005, 79th Leg., ch. 265, § 8.013, eff. Sept. 1, 2005.
2. Adequate and timely notice of the hearing was provided in accordance with Gov't Code §§ 2001.051 and 2001.052.
3. An employee who sustains a compensable injury is entitled to all health care reasonably required by the nature of the injury as and when needed that cures or relieves the effects naturally resulting from the compensable injury, promotes recovery, or enhances the ability of the employee to return to or retain employment. Labor Code § 408.021 (a).
4. A provider is entitled to fair and reasonable reimbursement for its reasonable and necessary services to treat a claimant's compensable injury. Labor Code § 413.011.

5. Based on the above Findings of Fact and Conclusions of Law, \$29.35 was fair and reasonable reimbursement for the 64999 services that the Provider furnished to the Claimant.
6. The MRD order should be overturned, and the Carrier should not be required to pay an additional amount to the Provider.

ORDER

IT IS ORDERED THAT MRD's order requiring the Carrier to pay the Provider an additional \$225.65 for the 64999 services is overturned.

SIGNED February 17, 2006.

**WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**