



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

ProximaRX

Respondent Name

Everest National Insurance Co

MFDR Tracking Number

M4-24-2460-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

July 4, 2024

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
March 4, 2024	50228-0351-90	\$183.91	\$162.01
March 4, 2024	00904-6720-80	\$63.22	\$5.12
March 4, 2024	72888-0014-00	\$73.87	\$24.47
		\$321.00	\$191.60

Requestor's Position

"The above claimant received medication and the carrier has not acknowledged receipt of service. ...The reconsideration was submitted and received by the carrier on **06/14/2024 via FAX CONFIRMATION** and then denied by the carrier."

Amount in Dispute: \$321.00

Respondent's Position

The Austin carrier representative for Everest National Insurance Co is Flahive, Ogden & Latson. The representative was notified of this medical fee dispute on July 16, 2024.

Per 28 Texas Administrative Code §133.307(d)(1), if the DWC does not receive the response within 14 calendar days of the dispute notification, then the DWC may base its decision on the available

information.

As of today, no response has been received from the insurance carrier or its representative. We will base this decision on the information available.

Response submitted by: n/a

Findings and Decision

Authority

This medical fee dispute is decided according to [Texas Labor Code §413.031](#) and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation (DWC).

Statutes and Rules

1. [28 TAC §133.307](#) sets out the procedures for resolving medical fee disputes.
2. [28 TAC §134.503](#) sets out the fee guidelines for pharmacy services.

Denial Reasons

- HEA1 – Claim/service denied.

Issues

1. Is the respondents' denial supported?
2. What rule(s) apply to disputed services?

Findings

1. The requestor is seeking reimbursement for medication dispensed in March of 2024. The explanation of benefits submitted with this request for MFDR indicates the claim was denied but the specific reason for this denial is not detailed.

The respondents' denial is not supported. The service in dispute will be reviewed per applicable fee guideline.

2. DWC Rule 28 Texas Administrative Code §134.503 (c)(1)(A)(B) states in pertinent part (c) The insurance carrier shall reimburse the health care provider or pharmacy processing agent for prescription drugs the lesser of:

(1) the fee established by the following formulas based on the average wholesale price (AWP) as reported by a nationally recognized pharmaceutical price guide or other publication of pharmaceutical pricing data in effect on the day the prescription drug is dispensed:

(A) Generic drugs: $((\text{AWP per unit}) \times (\text{number of units}) \times 1.25) + \4.00 dispensing fee per prescription = reimbursement amount;

(B) Brand name drugs: $((\text{AWP per unit}) \times (\text{number of units}) \times 1.09) + \4.00 dispensing fee per prescription = reimbursement amount;

Drug	NDC	Generic(G) /Brand(B)	Price /Unit	Units Billed	AWP Formula	Billed Amt	Lesser of AWP and Billed
Pregabalin	50228035190	G	8.427	15	\$162.01	\$183.91	\$162.01
Acetaminophen	00904672080	G	0.019	45	\$5.12	\$63.22	\$5.12
Cyclobenzaprine	72888001400	G	1.09	15	\$24.47	\$73.87	\$24.47

The total reimbursement is \$191.60, this amount is recommended.

Conclusion

The outcome of this medical fee dispute is based on the evidence presented by the requestor and the respondent at the time of adjudication. Though all evidence may not have been discussed, it was considered.

DWC finds the requester has established that reimbursement is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to reimbursement for the disputed services. It is ordered that Everest National Insurance Co must remit to ProximaRX \$191.60 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC §134.130

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

October 22, 2024
Date

Your Right to Appeal

Either party to this medical fee dispute has a right to seek review of this decision under 28 TAC §133.307, which applies to disputes filed on or after **June 1, 2012**.

A party seeking review must submit DWC Form-045M, *Request to Schedule, Reschedule, or Cancel a Benefit Review Conference to Appeal a Medical Fee Dispute Decision (BRC-MFD)* and follow the instructions on the form. You can find the form at www.tdi.texas.gov/forms/form20numeric.html. DWC must receive the request within **20 days** of when you receive this decision. You may fax, mail, or personally deliver your request to DWC using the contact information on the form or the field office handling the claim. If you have questions about DWC Form-045M, please call CompConnection at 1-800-252-7031, option 3 or email CompConnection@tdi.texas.gov.

The party seeking review of the MFDR decision must deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with DWC. **Please include a**

copy of the *Medical Fee Dispute Resolution Findings and Decision* with any other required information listed in [28 TAC §141.1\(d\)](#).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 1-800-252-7031, opción 3 o correo electrónico CompConnection@tdi.texas.gov.