

Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

EZ SCRIPTS LLC

Respondent Name

MARKEL INSURANCE CO

MFDR Tracking Number

M4-25-0609-01

Carrier's Austin Representative

Box Number 17

Date Received

November 12, 2024

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
September 2, 2022	NDC 57664-0377-13 Tramadol HCL 50 MG	\$34.64	\$0.00

Requestor's Position

"Enclosed is the outstanding pharmacy bill from EZ Scripts, which was submitted to Markel First Comp Insurance in a timely manner after the prescription was filled. The carrier denied Tramadol HCL 50 MG filled on 09/02/2022 with the code 'this charge was reimbursed in accordance to the Texas medical fee guideline' Tramadol was a Y drug on the ODG formulary in September 2022 and did not require preauthorization."

Amount in Dispute: \$34.64

Respondent's Position

"Based on our review, we are recommending no additional payment as the dispute was not filed in a timely manner. Disputes must be requested no later than one year after the date(s) of service in dispute."

Response Submitted by: Rising Medical Solutions Inc

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 Texas Administrative Code [\(TAC\) §133.305](#) sets out the procedures for resolving medical disputes.
2. [28 TAC §133.307](#) sets out the procedures for resolving medical fee disputes.

Denial Reasons

The insurance carrier denied the payment for the disputed services with the following claim adjustment codes:

- 790 – This charge was reimbursed in accordance to the Texas Medical Fee Guideline
- P12 – Workers Compensation Jurisdictional fee schedule adjustment

Issues

Has the requestor waived their right to medical fee dispute resolution?

Findings

The requestor seeks payment in the amount of \$34.64, for dispensed medication provided on September 2, 2022.

28 TAC §133.307 (c) (1) states in the pertinent part, "Timeliness. A requestor must timely file the request with the division or waive the right to MFDR. The division will deem a request to be filed on the date the division receives the request. A decision by the division that a request was not timely filed is not a dismissal and may be appealed pursuant to subsection (g) of this section."

The service in question was Tramadol HCL 50 MG on September 2, 2022. The medical fee dispute was received by the Division on November 12, 2024. This date is more than a year following the in-question date(s) of service.

28 TAC §133.307 (c) (1) (A) states, "A request for MFDR that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute."

A review of the submitted documentation finds that the disputed service(s) does not involve issues identified in 28 TAC §133.307 (c) (1) (B). The Division concludes that the requestor has failed to timely file this dispute with the Division; consequently, the requestor has waived the right to medical fee dispute resolution.

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.

The Division finds the requestor has not established that reimbursement is due.

Order

Under Texas Labor Code §§413.031 and 413.019, the Division has determined the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

	January 30 , 2025
Signature	Medical Fee Dispute Resolution Officer 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. The Division must receive the request within **20 days** of when you receive this decision. You may fax, mail, or personally deliver your request to the Division using the contact information on the form or the field office handling the claim. If you have questions about the DWC Form-045M, 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 the Division. **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 prefiera hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 1-800-252-7031, opción 3 o correo electronico CompConnection@tdi.texas.gov.