

**THIS DECISION HAS BEEN APPEALED. THE FOLLOWING  
IS THE RELATED SOAH DECISION NO.:**

**SOAH DOCKET NO. 453-04-2054.M5**

MDR Tracking Number: M5-03-1546-01

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 2-21-03.

**I. DISPUTE**

Whether there should be reimbursement for 90801, 90830 and 90844.

**II. RATIONALE**

On 10-17-02, the requestor obtained preauthorization approval for Individual Therapy Evaluation and Testing. On 10-23-02, he also obtained preauthorization approval for 8 visits of Individual Therapy over a 12 week period. Therefore, the insurance carrier is in violation of Rule 133.301(a), by retrospectively denying preauthorized treatment based upon medical necessity. The requestor is entitled to reimbursement of \$180.00 for 90801 and \$125.00 for 90830 on 10-21-02; and \$122.00 for 90844 on 11-22-02.

Neither party submitted EOBs for dates of service 10-30-02 and 11-13-02; therefore, CPT code 90844 will be reviewed in accordance with *Medical Fee Guideline*. Report for date of service 11-13-02 was not submitted to support charges per MFG. Reimbursement of \$122.00 is recommended for date of service 10-30-02.

**III. 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 CPT code(s), 90801, 90830 and 90844, in the amount of **\$ 549.00**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby **ORDERS** the Respondent to remit **\$549.00** 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 5<sup>th</sup> day of December 2003.

Elizabeth Pickle  
Medical Dispute Resolution Officer  
Medical Review Division