

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 June 2, 2003.

I. DISPUTE

Whether there should be reimbursement for out of pocket expenses for prescription medications for dates of service 11/02/02 through 1/22/03.

II. RATIONALE

Initially this dispute was docketed as a medical necessity dispute; however, EOB's were not submitted by either party; therefore, the dispute will be worked as a general fee dispute.

The injured worker submitted paid receipts and a print-out from the pharmacy supporting that out-of-pocket expenses were incurred by the injured worker. Some dates of service on the table of disputed services submitted by the injured worker did not have the complete date of service listed and could not be matched with the pharmacy print-out or paid receipts. Two dates of service that were matched with paid receipts were for postage which does not fall under Texas Workers' Compensation Commission Rules 134.500 through 134.506 entitled "Pharmaceutical Benefits". Per the rule referenced above the injured worker has submitted paid receipts, the pharmacy print-out showing payment to the pharmacy was made by the injured worker, and proof the injured worker requested reconsideration from the insurance carrier.

Per Rule 133.307(j)(C) the insurance carrier did not submit EOB's denying the medications with their response; therefore, reimbursement in the amount of \$876.80 is recommended.

IV. 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 out-of-pocket expenses in the amount of \$876.80. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$876.80** to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 10th day of December 2003.

Marguerite Foster
Medical Dispute Resolution Officer
Medical Review Division

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