

MDR Tracking Number: M5-03-3357-01

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 8/25/03.

### **I. DISPUTE**

Whether there should be reimbursement for 90801, 90830-BAP, 90830-CRI, 90830-BDI and 90889, dated 11/18/02. No EOBs for this date of service was submitted by the requestor.

### **II. RATIONALE**

Per Commission Rule 133.307 (e)(2)(A-B) states,

(2) Each copy of the request shall be legible, include only a single copy of each document, and shall include:

(B) a copy of each explanation of benefits (EOB) or response to the refund request relevant to the fee dispute or, if no EOB was received, convincing evidence of carrier receipt of the provider request for an EOB;

Rule 133.307 (g)(3) states,

(3) If the request contains only medical fee disputes, the commission shall notify the parties and require the requestor to send to the commission, two copies of additional documentation relevant to the fee dispute. The additional documentation shall include:...

(B) a copy of any pertinent medical records or other documents relevant to the fee dispute;

The requestor submitted convincing evidence that EOBs had been requested from the carrier. However, no medical documentation to support delivery of service as billed was submitted. On this basis reimbursement is not recommended.

### **III. DECISION & ORDER**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for 90801, 90830-BAP, 90830-CRI, 90830-BDI and 90889.

The above Findings and Decision are hereby issued this 30<sup>th</sup> day of April 2004.

Noel L. Beavers  
Medical Dispute Resolution Officer  
Medical Review Division

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