In the Matter of the .245 Medical Services Dispute of

Alberto Campos, Claimant

Contested Case No: 06-084H

PROPOSED & FINAL ORDER

October 17, 2006

ALBERTO CAMPOS, Petitioner
SAIF CORPORATION Respondent

Before John Mark Mills, Administrative Law Judge

Hearing convened before Administrative Law Judge Mills in Portland, Oregon, by telephone on September 26, 2006. Claimant appeared through his attorney, Gary Borden. The employer, The Harver Company, and the insurer, SAIF Corporation, appeared through their attorney, Jim Booth.

Exhibits 1 through 16 were admitted at the time of the hearing. Exhibits 1A and 1B were submitted by claimant, but objected to, as it was not clear if they were part of the record before the Director. The record was held open for the Administrative Law Judge to determine whether the exhibits had been part of the Director's record. They were not and, accordingly, the objection is sustained. The parties were advised by letter dated September 29, 2006 of this ruling and the record was closed on that date.

ISSUES

Claimant contests the Director's Administrative Order Number DMMS-06-426, dated April 12, 2006, which determined that it was premature to review a disputed prescription reimbursement issue.

CONCLUSIONS AND OPINION

I review this matter and may modify the Director's Order only if it is not supported by substantial evidence in the record or if it reflects an error of law. OAR 436-001-0225(2). The record before the Director reflects that claimant filled a prescription for Vicodin at Walgreens on August 4, 2005. He sent a request for reimbursement for this prescription and for mileage to the insurer on October 10, 2005. Either at that point or subsequently, when claimant's counsel filed a Request for Hearing concerning the failure to reimburse for the prescription, the insurer was provided with the Walgreens Pharmacy receipt.

On December 19, 2005, the insurer notified claimant that he needed to "provide proper documentation showing medication prescribed, dosage, prescribing physician and amount of reimbursement requested." During the proceedings before the Director, the insurer communicated with claimant's counsel and indicated that it just needed the pharmacy receipt (ex. 13).[1]

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[1] In exhibit 11, a pleading sent by the insurer to WCD, the insurer indicated it wanted a "pharmacy Rx slip and the NDC number." It is not clear if this request is different from the request for the pharmacy receipt or if it was

The Director's Order, based on this record, concluded that the insurer had not yet received the requested additional information needed to make a decision regarding the reimbursement request. I do not find that that conclusion is supported by substantial evidence because, at the time that the insurer determined that it would not reimburse claimant's prescription expenses, it requested information which is contained in the receipt from Walgreens and the request for reimbursement from claimant and those documents were provided to the insurer by claimant or claimant's counsel. Since this conclusion formed the basis for the Order's determination that it was premature to review the disputed prescription reimbursement, I reverse and remand for further proceedings consistent with this Order.

IT IS SO ORDERED.

communicated to claimant. At the hearing on review in this matter, counsel for the insurer indicated that what it really wanted was for claimant to obtain a copy of the actual prescription. This request was not made previously and on remand, the Director may wish to review its reasonableness.