

MDR Tracking Number: M5-03-0205-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective January 1, 2002 and Commission Rule 133.305 and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent.

The Medical Review Division has reviewed the IRO decision and determined that **the requestor prevailed** on the issues of medical necessity. Therefore, upon receipt of this Order and in accordance with §133.308(q)(9), the Commission hereby orders the respondent and non-prevailing party to **refund the requestor \$460.00** for the paid IRO fee. For the purposes of determining compliance with the order, the Commission will add 20 days to the date the order was deemed received as outlined on page one of this order.

In accordance with §413.031(e), it is a defense for the carrier if the carrier timely complies with the IRO decision.

Based on review of the disputed issues within the request, the Medical Review Division has determined that **medical necessity was the only issue** to be resolved. The chiropractic treatment / services (including office visits and therapy) was found to be medically necessary. The respondent raised no other reasons for denying reimbursement chiropractic treatment / services (including office visits and therapy) charges.

On this basis, and pursuant to §§402.042, 413.016, 413.031, and 413.019 of the Act, the Medical Review Division hereby ORDERS the respondent to pay the unpaid medical fees in accordance with the fair and reasonable rate as set forth in Commission Rule 133.1(a)(8) plus all accrued interest due at the time of payment to the requestor within 20 days of receipt of this order. This Order is applicable to dates of service 2/1/02 through 2/6/02 in this dispute.

The respondent is prohibited from asserting additional denial reasons relative to this Decision upon issuing payment to the requestor in accordance with this Order (Rule 133.307(j)(2)).

This Order is hereby issued this 13th day of, December 2002.

Carol R. Lawrence
Medical Dispute Resolution Officer
Medical Review Division

CRL/crl

November 21, 2002

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M5-03-0205-01

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). ___ IRO Certificate Number is 5348. Texas Worker's Compensation

Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to ___ for independent review in accordance with this Rule.

___ has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing chiropractor on ___ external review panel. ___ chiropractor reviewer signed a statement certifying that no known conflicts of interest exist between this chiropractor and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to ___ for independent review. In addition, ___ chiropractor reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns an adult female who suffered a work related injury to her back on ___. She was diagnosed with lumbar radiculopathy and lumbar disc syndrome. An EMG was performed on 11/7/01 and revealed L5-S1 radiculopathy. She has been treated with physical therapy, 2 lumbar epidural steroid injections with the first on 1/21/02, a back brace, medications, and work hardening.

Requested Services

Office visits and physical therapy sessions from 2/1/02 to 2/6/02 that were denied for being medically unnecessary.

Decision

The Carrier's denial of coverage for these services is overturned.

Rationale/Basis for Decision

___ chiropractor consultant noted that the member was treated in a multidisciplinary treatment facility and was referred for a series of 2 epidural steroid injections starting in January 2002. ___ chiropractor consultant explained that conditions such as this patient's require long-term care. (See Mercy Guidelines for Chiropractic Care and Treatment, 1998.) Therefore, ___ chiropractor consultant concluded that the medical records demonstrate that the treatment she received on 2/1/02 and on 2/6/02 was medically necessary for this patient.

Sincerely,