

MDR Tracking Number: M5-03-0217-01

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 \$650.00** 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 treatment/service rendered 10-31-01 were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for these charges.

The above Findings and Decision are hereby issued this 2nd day of July 2003.

Dee Z. Torres
Medical Dispute Resolution Officer
Medical Review Division

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 date of service 10-31-01 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 2nd day of July 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

RL/dzt

June 27, 2003

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IRO #: 5251

___ has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this case to ___ for independent review in accordance with TWCC Rule 133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the care rendered to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed Medical Doctor with a specialty and board certification in Orthopedic Surgery. The ___ health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors or providers who reviewed the case for a determination prior to the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

CLINICAL HISTORY

___, a 51-year-old male was being treated for a lumbar disc problem with a series of lumbar epidural steroid injections. He had apparently been referred to ___ who gave him a series of injections. These medical records do not contain any real significant amount of information regarding his medical condition, however, they are a record of his obtaining a second lumbar epidural steroid injection under flourosocopy control on 10/31/01. These records contain an approval by the insurance carrier. This procedure was pre-certified by the carrier on September 12, 2001, and that approval report is included in the records. The procedure was done by ___ on 10/31/01; it was apparently a second epidural steroid injection in a series of three.

The procedure was done with monitored anesthesia care and monitoring in the Recovery Room. The itemized charges were reviewed, and they include sterile supplies, radiology charges for the fluoroscopy and the x-rays that were taken during the procedure. The operating room charges and the anesthesia charges and the EKG charges were as made by the hospital. All of these services appear to the reviewer to be reasonable and necessary and all of the charges appear to be reasonable and necessary for this type of procedure.

DISPUTED SERVICES

Under dispute is the medical necessity of pharmacy, medical/surgical supplies, non-sterile supplies, central sterile supplies, general radiology, operating room services, anesthesia services, respiratory services, recovery room and ECK/ECG provided on 10/31/01.

DECISION

The reviewer disagrees with the prior adverse determination.

BASIS FOR THE DECISION

The reviewer finds that the disputed supplies and services were reasonable for this type of procedure, and that the procedure was approved by the insurance carrier prior to the actual performance of the epidural steroid injection. The reviewer feels that the charges should be allowed. The reasoning for allowing this is included in the discussion above. The items in dispute were reviewed and found to be within the usual and customary range.

___ has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. ___ has made no determinations regarding benefits available under the injured employee's policy

As an officer of ___, dba ___, I certify that there is no known conflict between the reviewer, ___ and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

___ is forwarding this finding by US Postal Service to the TWCC.

Sincerely,