

MDR Tracking Number: M5-03-0442-01

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 disputed pharmacy, medical/surgical supplies, non-sterile supplies, central-sterile supplies, general radiology, operating room services, anesthesia services, respiratory services, anesthesia and EKG/ECG necessary to administer an epidural steroid injection were found to be medically necessary. The respondent raised no other reasons for denying reimbursement.

This Finding and Decision is hereby issued this 10th day of July 2003.

Noel L. Beavers
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 12/20/01.

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 10th day of July 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

June 30, 2003

David Martinez
TWCC Medical Dispute Resolution
4000 IH 35 South, MS 48
Austin, TX 78704

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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

___ records do not contain any real significant descriptive information regarding the injury that that occurred on ___. She is a 41-year-old woman who sustained a straining injury to her back on ___ who was being treated by her chiropractor for that injury. No records from her treating doctor were available for review. The records do contain a peer review from ___, a chiropractor, who stated on August 23, 2001 that the affects of the ___ compensable injury to this patient ended after approximately eight weeks. He further added that no further treatment was needed after that eight-week period.

However, there is a request for a second lumbar epidural steroid injection to be given on December 20, 2001 that was approved by the insurance carrier. This approval notification was given to her treating chiropractor, ___. The approval notification is included in the medical records supplied for review. ___ gave the approved epidural steroid injection on December 20, 2001 and the procedure is now being disputed with the carrier denying the charges for the epidural steroid injections.

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, anesthesia "other" and EKG/ECG.

DECISION

The reviewer disagrees with the prior adverse determination.

BASIS FOR THE DECISION

The reviewer has found that the records do support the fact that the epidural steroid injection was requested and approved by the carrier. Therefore, the reviewer finds that the charges that are submitted for this service should be allowed. The reason for allowing these charges is the fact that the services were in fact pre-approved and authorized by the carrier, and the related charges for the procedure that are submitted fall into the range of being reasonable and customary. Therefore, the charges for the epidural steroid injection of 12/20/01 should be allowed.

___ 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 ___, 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,