

MDR Tracking Number: M5-03-0677-01

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 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division (Division) assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. The dispute was received on November 7, 2002.

The Division has reviewed the enclosed IRO decision and determined that **the requestor did not prevail** on the issues of medical necessity. The IRO agrees with the previous determination that the Job analysis was not medically necessary. Therefore, the requestor is not entitled to reimbursement of the IRO fee.

Based on review of the disputed issues within the request, the Division has determined that fees were the only fees involved in the medical dispute to be resolved. As the treatment of job analysis was not found to be medically necessary, reimbursement for dates of service 04-16-02 is denied and the Division declines to issue an Order in this dispute.

This Decision is hereby issued this 25th day of November 2003.

Georgina Rodriguez
Medical Dispute Resolution Officer
Medical Review Division

GR/gr

November 20, 2003
Amended November 24, 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 specialized in Occupational Medicine. The reviewer is on the TWCC Approved Doctor List (ADL). 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

___'s low back was injured at work on ___, though the mechanism of injury was not noted in the documentation. An office note of April 10, 2002 stated that the patient was improving. There was a job analysis dated April 16, 2002. An RME from July 31, 2002 gives a diagnosis of thoracolumbar sprain/strain.

DISPUTED SERVICES

Under dispute is the medical necessity of a job analysis procedure code 97799-JA rendered on 4/16/02.

DECISION

The reviewer agrees with the prior adverse determination.

BASIS FOR THE DECISION

A job analysis such as that performed in this case is not considered medically necessary for the treatment of lumbar strain. The information obtained from this analysis could be obtained from a job description provided by the employer. The recommendations provided are non-specific in nature and could apply to any worker in any form of employment. Therefore, the job analysis procedure in dispute is not considered necessary for treatment in this case.

___ 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,