

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 aquatic therapy was found to be medically necessary. The respondent raised no other reasons for denying reimbursement for these aquatic therapy charges.

This Finding and Decision is hereby issued this 27th day of February 2003.

Carol R. Lawrence
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 dates of service 7/23/02 through 9/10/02 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 27th day of February 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

RL/cl

NOTICE OF INDEPENDENT REVIEW DECISION

AMENDED LETTER

Note: Date of Letter

January 24, 2003

Rosalinda Lopez
Program Administrator
Medical Review Division
Texas Workers Compensation Commission
4000 South IH-35, MS 48
Austin, TX 78704-7491

RE: MDR Tracking #: M5-03-0768-01
IRO Certificate #: 4326

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced 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 rendered care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a matched peer with the treating health care professional. This case was reviewed by a health care professional licensed in chiropractic care. ___ health care professional has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians 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 this case.

Clinical History

This 24 year old female sustained a work-related back injury on ___ when she slipped and fell. The clinical and diagnostic work-up revealed disc displacement, lumbar sprain, mechanical low back pain and sacroiliac joint dysfunction. Treatment has included medications, injections, manipulations, manual traction, electrical interferential current, ultrasound, hot/cold packs, and aquatic therapy rendered from 07/23/02 through 09/10/02.

Requested Service(s)

Aquatic therapy rendered from 07/23/02 through 09/10/02

Decision

It has been determined that the aquatic therapy, rendered from 07/23/02 through 09/10/02, was medically necessary.

Rationale/Basis for Decision

Aquatic therapy offers a medium that lessens the effects of gravity loading on musculature and joints of the spine. A course of aquatic rehabilitation can and should be implemented in patient's that have predisposed factors that would not allow them to flourish in a land based rehabilitation program (Unremitting Low Back Pain North American Spine Society Phase III Clinical Guidelines for Multidisciplinary Spine Care Specialists, published by the North American Spine Society in 2000). According to the information received for review, two physicians felt that the patient's obesity would hinder progress in a land based rehabilitation program that was to accompany a series of bilateral sacroiliac joint injections. Therefore, the aquatic therapy rendered from 07/23/02 through 09/10/02 was medically necessary.

Sincerely,