

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 contrast x-ray, injection for myelogram, needle localization, low osmolar contrast material, CAT scan, post-0- monitoring, injections and surgical tray needles were found to be medically necessary. The anesthesia was not found to be medically necessary. The respondent raised no other reasons for denying reimbursement for these charges, contrast x-ray, injection for myelogram, needle localization, low osmolar contrast material, CAT scan, post-0- monitoring, injections and surgical tray needles.

This Finding and Decision is hereby issued this 15th day of May 2003.

Carol R. Lawrence
Medical Dispute Resolution Officer

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 1/22/02 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 15th day of May 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

RL/cl

February 12, 2003

David Martinez
TWCC Medical Dispute Resolution
4000 S. IH-35, MS 48
Austin, TX 78704

MDR Tracking #: M5-03-0893-01
IRO#: 5251

___ has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Workers' 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 DO with board certification in Anesthesiology and specialization in Pain Management. The ___ health care professional has signed a certification statement stating that no know 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

This patient reported injuries associated with a work-related lifting incident on ___. He was evaluated by MRI on 11/16/00 and later treated with epidural steroid injections. His complaints continued in spite of conservative measures and a decision was made to evaluate this patient with a lumbar myelogram.

DISPUTED SERVICES

Items in dispute include a contrast x-ray, injection for myelogram, needle localization, low osmolar contrast material, CAT scan, post-op monitoring, anesthesia, injections and surgical tray needles.

DECISION

The reviewer both agrees and disagrees with the prior adverse determination.

The reviewer finds all items in the dispute to be reasonable and necessary with exception to the use of anesthesia.

BASIS FOR THE DECISION

There is extreme variability in MRI resolution, thereby some studies fail to demonstrate structural pathology that many times will be evidenced with myelographic evaluation. Proper and accurate diagnosis lends to more effective treatment modalities.

However, anesthesia for lumbar myelogram is unreasonable for adult patients capable of a modicum of cooperation. Interventional radiologists, surgeons, etc. should be entirely capable of supervising administration of IV sedatives without the need of specific anesthesia providers.

___ 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,