

MDR Tracking Number: M5-03-1449-01

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 office visits and physical therapy were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for office visits and physical therapy charges.

This Finding and Decision is hereby issued this 9th day of May 2003.

Margaret Q. Ojeda
Medical Dispute Resolution Officer
Medical Review Division
MQO/mqo

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 3/20/02 through 6/17/02 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 9th day May 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division
RL/mqo

NOTICE OF INDEPENDENT REVIEW DECISION

May 1, 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 #: M5-03-1449-01
IRO Certificate #: IRO4326

___ 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 §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 ___ physician reviewer who is board certified in orthopedic surgery which is the same specialty as the treating physician. The ___ physician reviewer 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 male patient employed as a maintenance assistant for an apartment complex sustained a back injury on ___ while trying to move a washing machine. An MRI on 02/19/02 revealed a right disc protrusion at C5-6 and C6-7. On 10/24/01, he had a multi-level posterior laminectomy at C5-6, and C6-7. Prior to surgery, he was in a work-hardening program and post-operatively started physical therapy. He continued to report pain and underwent three epidural steroid injections without relief. He continued with a multi-disciplinary approach to address pain management, including physical therapy and counseling.

Requested Service(s)

Services requested were office visits and physical therapy provided from 02/11/02 through 04/09/02.

Decision

It is determined that the services for office visits and physical therapy provided from 02/11/02 through 04/09/02 were medically necessary to treat this patient's condition.

Rationale/Basis for Decision

The medical record documentation supports the office visits and physical therapy provided from 02/11/02 through 04/09/02 as medically necessary to treat the patient's condition. This patient underwent physical therapy, cervical epidural steroid injections, and a pain management program. The use of conservative measures was reasonable in contrast to possible surgical intervention. Therefore, the services for office visits and physical therapy provided from 02/11/02 through 04/09/02 were medically necessary.

Sincerely,