

**THIS DECISION HAS BEEN APPEALED. THE  
FOLLOWING IS THE RELATED SOAH DECISION NUMBER:  
SOAH DOCKET NO. 453-03-4085.M5**

MDR Tracking Number: M5-03-1485-01

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 \$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 office visits, physical therapy sessions, special supply and physician/team conference were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for these office visits, physical therapy sessions, special supply and physician/team conference charges.

This Finding and Decision is hereby issued this 17<sup>th</sup> day of June 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 2/14/02 through 5/1/02 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 17<sup>th</sup> day of June 2003.

David R. Martinez, Manager  
Medical Dispute Resolution  
Medical Review Division

DRM/crl

## NOTICE OF INDEPENDENT REVIEW DECISION

June 6, 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 #: M5-03-1485-01  
IRO Certificate #: IRO 4326

The \_\_\_ 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 patient slipped on ice at work and injured his back on \_\_\_\_. His pain has been sharp and continuous, radiating to the left side. An MRI from 02/11/02 revealed a disc protrusion at L4-5 extending into the foramen, possible compression on the nerve root. Epidural steroid injections were performed starting on 05/13/02 in conjunction with physical therapy.

### Requested Service(s)

Office visits, physical therapy sessions, special supply, and physician/team conference from 02/14/02 through 05/01/02

### Decision

It is determined that the office visits, physical therapy sessions, special supply, and physician/team conference from 02/14/02 through 05/01/02 were medically necessary to treat this patient's condition.

### Rationale/Basis for Decision

It is clear from the medical record that the provider established a multidisciplinary treatment algorithm for treating this patient. He has been found not to be at Maximum Medical Improvement (MMI) on two occasions. The treatment implemented for this patient led to progression into active-patient driven applications. In addition, the provider has activated diagnostics that have shown a greater extent of injury than first recognized and documented. It is standard practice to move the patient through physical therapy applications in conjunction with invasive applications like epidural steroid injections. The medical record reveals timely referrals, a multidisciplinary approach to treatment, and the implementation of necessitated diagnostics that warrant the treatment given. Therefore, it is determined that the office visits, physical therapy sessions, special supply, and physician/team conference from 02/14/02 through 05/01/02 were medically necessary.

The aforementioned information has been taken from the following guidelines of clinical practice and clinical references:

- *Clinical practice guidelines for chronic, non-malignant pain syndrome patients II: An evidence-based approach.* J Back Musculoskeletal Rehabil 1999 Jan 1;13;47-58.
- *Overview of implementation of outcome assessment case management in the clinical practice.* Washington State Chiropractic Association; 2001. p54
- *Unremitting low back pain. In: North American Spine Society phase III clinical guidelines for multidisciplinary spine care specialists.* North American Spine Society. Unremitting low back pain. North American Spine Society (NASS); 2000. 96p.

Sincerely,