

MDR: Tracking Number M5-03-1931-01

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 requestor submitted a medical dispute resolution request on 3/30/03 and was received in the Medical Dispute Resolution on 3/31/03. The disputed dates of service 1/25/02 through 3/28/02 are not within the one year jurisdiction in accordance with Rule 133.308(e)(1) and will be excluded from this Finding and Decision.

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 chiropractic treatments, therapeutic activities, joint mobilization and therapeutic exercises were found to be medically necessary. The 99080-73 report was not found to be medically necessary. The respondent raised no other reasons for denying reimbursement for these chiropractic treatment charges.

This Finding and Decision is hereby issued this 30th day of July 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 4/9/02 through 7/10/02 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 30th day of July 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

RL/crl

July 25, 2003

Re: Medical Dispute Resolution
MDR #: M5-03-1931-01
IRO Certificate No.: IRO 5055

___ has performed an independent review of the medical records of the above-named case to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. This case was reviewed by a physician who is Certified in Chiropractic Medicine.

Clinical History:

This male claimant injured his right shoulder and elbow in a work-related accident on___.

Disputed Services: Chiropractic treatments rendered from 04/09/02 through 07/08/02.

Decision:

The reviewer partially agrees with the determination of the insurance carrier as follows:

- Therapeutic activities (97530), joint mobilization (97265, and therapeutic exercise (97110 during the period in question were medically necessary. This patient had a number of problems that required decision-making for treatment.
- TWCC-73 Report (99080-73) on 06/22/02 was not medically necessary as no such report was identified or available for review.

Rationale:

In addition to the comments in "Decision", the claimant's history did reveal a truly difficult and complex case for the surgeon and rehabilitative physicians. On the surface, this case may initially appear to be a simple arthroscopic surgical case. In reality, this case included multiple injuries to multiple areas that required treatment.

The Texas Guidelines for Chiropractic Quality Assurance and Practice Parameters and ____, mention that when multiple conditions are present, a longer treatment time can be expected.

I am the Secretary and General Counsel of ____ and I certify that the reviewing healthcare professional in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this case for determination prior to referral to the Independent Review Organization.

Sincerely,