

MDR: Tracking Number M5-03-1934-01

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 with manipulations, myofascial release, neuromuscular reeducation, therapeutic procedure, manual traction and massage therapy were found to be medically necessary. Date of service 9/3/02 was paid per the EOB received from the carrier, therefore this date no longer in dispute. The respondent raised no other reasons for denying reimbursement for these office visits with manipulations, myofascial release, neuromuscular reeducation, therapeutic procedure, manual traction and massage therapy charges.

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 9/3/02 through 11/14/02 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 25th day of July 2003.

Carol R. Lawrence
Medical Dispute Resolution Officer
Medical Review Division

CRL/crl

July 23, 2003

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M5-03-1934-01

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). ___ IRO Certificate Number is 5348. Texas Worker's Compensation Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to ___ for independent review in accordance with this Rule.

___ has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing chiropractor on the ___ external review panel. The ___ chiropractor reviewer signed a statement certifying that no known conflicts of interest exist between this chiropractor and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to ___ for independent review. In addition, the ___ chiropractor reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a female who sustained a work related injury on ____. The patient reported that while at work she was bending over to pull out package tables when she began to experience pain in her low back. The patient was initially treated with conservative care and returned to work. The patient reported that she sustained an exacerbation of this injury on ____. The patient reported that while at work, she bent over and experienced pain in the back. The patient was treated with myofascial release, neuromuscular reeducation, therapeutic procedures and manipulations. The diagnoses for this patient have included enthesopathy of the hip, lumbar radiculitis, lumbar sprain/strain and lumbar IVD without myelopathy.

Requested Services

Office visits with manipulations, myofascial release, neuromuscular reeducation, therapeutic procedure, manual traction and massage therapy from 9/19/02 through 11/14/02.

Decision

The Carrier's determination that these services were not medically necessary for the treatment of this patient's condition is overturned.

Rationale/Basis for Decision

The ___ chiropractor reviewer noted that this case concerns a female who sustained a work related injury to her low back on ____. The ___ chiropractor reviewer also noted that the patient experienced an exacerbation of this injury on ____. The ___ chiropractor reviewer further noted that the patient was treated with chiropractic care that included myofascial release, neuromuscular reeducation, therapeutic procedures, manual traction and massage therapy. The ___ chiropractor reviewer indicated that the patient was steadily improving with the treatment rendered. The ___ chiropractor reviewer also indicated that the treatment helped decrease the patient's pain level. The ___ chiropractor reviewer further indicated that the patient was able to remain working while being treated. The ___ chiropractor reviewer explained that the documentation provided supported the medical necessity of the treatment rendered to this patient. Therefore, the ___ chiropractor consultant concluded that the office visits with manipulations, myofascial release, neuromuscular reeducation, therapeutic procedure, manual traction and massage therapy from 9/19/02 through 11/14/02 were medically necessary to treat this patient's condition.

Sincerely,