

THIS DECISION HAS BEEN APPEALED. THE FOLLOWING IS THE RELATED SOAH DECISION NUMBER:

SOAH DOCKET NO. 453-04-0822.M5

MDR: Tracking Number M5-03-2075-01

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 prescription medications (Zonaion cream, Phenergan, Lasix, Senokot, Orphenadrine, Lidoderm patches, Tegaderm, Klonopin, Bextra, Imitrex, Tizanidine, Pepcid and Miralax power were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for these prescription medication charges.

This Finding and Decision is hereby issued this 22nd 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 11/11/02 through 4/10/03 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 22nd day of July 2003

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

RL/crl

January 26, 2004

Rosalinda Lopez
Texas Workers' Compensation Commission
Medical Dispute Resolution
Fax: (512) 804-4868

AMENDED DECISION
Adding Prescriptions to Disputed Services

Re: Medical Dispute Resolution
MDR #: M5-03-2075-01
IRO Certificate No.: IRO 5055

Dear Ms. Lopez:

___ 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 Board Certified in Orthopedic Surgery.

Clinical History:

This 47-year-old female claimant was injured in a fall while on her job on ____. She has been under treatment by an orthopedic surgeon and pain management physician, with additional consultations. She has had psychological testing and treatment, and physical therapy, including a work hardening program.

Disputed Services:

Medications Zonalon cream, Phenergan, Lasix, Senokot, Orphenadrine, Lidoderm patches, Tegaderm, Klonopin, Bextra, Imitrex, tizanidine, Pepcid, and Miralax powder, Keta 5%, Dextromethorpha N and MS Contin SA during the period of 11/11/02 through 04/10/03.

Decision:

The reviewer disagrees with the determination of the insurance carrier. The reviewer is of the opinion that the medications as listed above were medically necessary in this case.

Rationale:

While the reviewer has some reservations regarding the prescribing of this number of medications, the documentation of the doctor's explanation is satisfactory and does demonstrate medical necessity.

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,