

MDR Tracking Number: M5-03-2084-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305 titled Medical Dispute Resolution - General and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division (Division) assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. The dispute was received on 4/24/03.

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(r)(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 therapy (including therapeutic procedure, myofascial release, conductive garment/conductive paste/gel, hot/cold packs and electrical stimulation) that began subsequent to the surgical carpal tunnel release (that occurred on 6/20/02 and subsequently to 10/2/02) was found to be medically necessary. The treatment/services rendered from 4/24/02 to 5/10/02 were not found to be medically necessary. The respondent raised no other reasons for denying reimbursement for the therapy (including therapeutic procedure, myofascial release, conductive garment/conductive paste/gel, hot/cold packs and electrical stimulation) that began subsequent to the surgical carpal tunnel release charges.

This Finding and Decision is hereby issued this 2nd day of September 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 from 4/24/02 to 10/2/02 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 2nd day of September 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

RL/crl

June 24, 2003
IRO Certificate # 5259

8/28/03-Revised [3]

An independent review of the above-referenced case has been completed by a medical physician [board certified] in physical medicine and rehabilitation. The appropriateness of setting and medical necessity of proposed or rendered services is determined by the application of medical screening criteria published by ____, or by the application of medical screening criteria and protocols formally established by practicing physicians. All available clinical information, the medical necessity guidelines and the special circumstances of said case was considered in making the determination.

The independent review determination and reasons for the determination, including the clinical basis for the determination, is as follows:

See Attached Physician Determination

___ hereby certifies that the reviewing physician is on Texas Workers' Compensation Commission Approved Doctor List (ADL). Additionally, said physician has certified that no known conflicts of interest exist between him and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for determination prior to referral to ___.

CLINICAL HISTORY

The clinical history indicates that this is a 46-year old female employed with ___ on a sewing machine for approximately six months. Prior to that she had worked in a position for another textile manufacturer sewing for approximately nine years. Her new position at ___ involved sewing antecede position and she claims injury to bilateral hands, wrist, neck, and both knees while sewing.

REQUESTED SERVICE (S)

Physical therapy and modality services for multiple dates, including dates after wrist injection and after carpal tunnel release

DECISION

Partial denial

RATIONALE/BASIS FOR DECISION

This is a complex and difficult case. The records clearly indicate that this individual had bilateral carpal tunnel syndrome.

The treatment with injection to the wrist is appropriate, but the therapy post injection is not indicated. The therapy provided post surgical release is routine and appropriate for up to three months.

This case is complicated by the documented evidence of histrionic behavior and non-physiologic pain reporting. This form of somatization disorder is always difficult to treat in work oriented trauma patients, as the psychological personality set becomes a barrier to recovery that is not a physical barrier from the injury itself. Ultimately, this individual will require a pain program, and then discontinuation of ongoing treatment services, as there will be no end to her pain complaints and the relationship between the reported pain and the actual physical injuries sustained will no longer exist. This phenomenon has been well described in the records on the patient by her treating physicians, in particular ____.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **10** (ten) calendar days of your receipt of this decision (20 Tex. Admin. Code 142.5©)

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) calendar days of your receipt of this decision (28 Tex. Admin. Code 148.3)

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings/Appeals Clerk
Texas Workers' Compensation Commission
P.O. Box 17787
Austin, Texas 78744

Or fax the request to (512) 804-4011. A copy of this decision must be attached to the request.

The party appealing the decision shall deliver a copy of its written request for a hearing to the opposing party involved in the dispute.

In accordance with Commission Rule 102.4(h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 28th day of August 2003.