

MDR Tracking Number: M5-03-2122-01

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, 2003 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 disputed chiropractic treatments were found to be medically necessary. The respondent raised no other reasons for denying reimbursement.

This Finding and Decision is hereby issued this 10th day of July 2003.

Noel L. Beavers  
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 9/9/02 through 11/11/02.

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 10<sup>th</sup> day of July 2003.

Roy Lewis, Supervisor  
Medical Dispute Resolution  
Medical Review Division

RL/nlb

June 30, 2003

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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 female claimant suffered thoracic spine spondylosis resulting from a work-related injury on \_\_\_, for which she received chiropractic care.

Disputed Services:

Chiropractic treatment from 09/09/02 through 11/11/02.

Decision:

The reviewer disagrees with the determination of the insurance carrier. \_\_\_ the reviewer is of the opinion that the treatment in question was medically necessary in this case.

Rationale for Decision:

The chiropractic treatment rendered was reasonable and consistent with Spinal Treatment Guidelines in effect since June 1, 1995. It is evident from review of the daily notes and reports that the patient was responding to treatment, even though it could not be considered rapid.

The Spinal Treatment Guidelines consist of three levels. This patient's care can be categorized into the second level (Ref: TWCC, Fig.5: 28 TAC, 134.1001(g)(6)(B)). The clinical indicators of this category are: limited-to-good response to early primary treatment, but persistent symptoms with limited ADL's. This phase of care is between eight weeks

to four months. Failure to respond indicates further diagnostic tests such as MRI's or EMG's should follow.

The patient's symptomatology was improving and had plateaued around 09/25/02, at which time the treating doctor ordered an MRI.

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,