

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 assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. The dispute was received on 5-8-03.

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 not the only issue** to be resolved. The requestor submitted a withdrawal letter for the neuromuscular stimulator on 9-4-02 and 10-4-02 as services were not preauthorized. The neuromuscular stimulator on 8-4-02 was not found to be medically necessary. The pump-H2O circulating pad, ambulatory infusion and DME (not classified) on 8-27-02 were found to be medically necessary. The respondent raised no other issues for denying reimbursement for the above listed services.

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 date of service 8-27-02 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 15th day of October 2003.

Dee Z. Torres  
Medical Dispute Resolution Officer  
Medical Review Division

DZT/dzt

**NOTICE OF INDEPENDENT REVIEW DECISION**

September 19, 2003

**Re: IRO Case # M5-03-2252-01**

Texas Worker's Compensation Commission:

\_\_\_ has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IROs, TWCC assigned this case to \_\_\_ for an independent review. \_\_\_ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, \_\_\_ received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a physician who is Board Certified in Neurological Surgery, and who has met the requirements for TWCC Approved Doctor List or has been approved as an exception to the Approved Doctor List. He or she has signed a certification statement attesting that no known conflicts of interest exist between him or her and any of the treating physicians or providers, or any of the physicians or providers who reviewed the case for a determination prior to referral to \_\_\_ for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The determination of the \_\_\_ reviewer who reviewed this case, based on the medical records provided, is as follows:

History

The patient is a 31-year-old female who developed pain and numbness in both hands after years of typing. She was diagnosed with carpal tunnel syndrome, worse on the right side, and on 8/29/02 right open carpal tunnel release and pronator release were performed. Because of the severity of the patient's problem, considerable medical equipment was utilized in her treatment, much of which appears to be reasonable and necessary, except for the period in dispute.

Requested Service(s)

Neuromuscular stimulator, Pump-H20 circulating pad, ambulatory infusion, DME supplies  
8/4/02-8/27/02.

Decision

I agree with the carrier's decision to deny the requested neuromuscular stimulator, and I disagree with the decision to deny the other requested equipment and supplies.

Rationale

On 8/5/02 the treating DC noted that the surgeon, would be getting preauthorization for surgery to the right carpal tunnel and would withhold therapy until after surgery. Therefore, the use of the disputed neuromuscular stimulator was not reasonable or necessary. The other requested equipment and supplies help reduce post operative pain and enabling quicker rehabilitation.

This medical necessity decision by an Independent Review Organization is deemed to be a Commission decision and order.

Sincerely,

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