

MDR Tracking Number: M5-03-2287-01

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 assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. This dispute was received on May 13, 2002.

The IRO reviewed office visits rendered on 6/12/02 and 6/14/02, denied the carrier based upon "U".

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 \$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 not the only issue** to be resolved. The office visits rendered on 6/12/02 and 6/14/02 were found to be medically necessary. This dispute also contained services that were not addressed by the IRO and will be reviewed by the Medical Review Division.

On August 7, 2003, the Medical Review Division submitted a Notice to requestor to submit additional documentation necessary to support the charges and to challenge the reasons the respondent had denied reimbursement within 14 days of the requestor's receipt of the Notice.

The following table identifies the disputed services and Medical Review Division's rationale:

DOS	CPT CODE	Billed	Paid	EOB Denial Code	MAR\$	Reference	Rationale
5/14/02	99213	\$60.00	\$0.00	N	\$48.00	MFG, Evaluation/ Management Ground Rule (VI)(B) CPT code descriptor	The office notes submitted by the requestor does not meet the documentation criteria set forth by the <u>Medical Fee Guideline</u> . Therefore the requestor is not entitled to reimbursement of the disputed charges.
5/15/02	99213	\$60.00	\$0.00	N	\$48.00		
5/17/02	99213	\$60.00	\$0.00	N	\$48.00		
5/20/02	99213	\$60.00	\$0.00	N	\$48.00		
5/22/02	99213	\$60.00	\$0.00	N	\$48.00		
6/5/02	99213	\$60.00	\$0.00	D	\$48.00	MFG, Evaluation/ Management Ground Rule (VI)(B) CPT code descriptor	A copy of the original EOB denial was not made available; therefore the disputed charge will be reviewed according to the <u>MFG</u> . Review of the office report documents delivery of service. Therefore the

							requestor is entitled to reimbursement in the amount of \$48.00.
	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule (I)(9)(a)(iii), (I)(10)(a)</u>	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule (I)(9)(a)(ii), (I)(10)(a-b)</u>	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule (I)(9)(a)(ii), (I)(10)(a-b)</u>	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/7/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule (I)(9)(a)(iii), (I)(10)(a)</u>	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule (I)(9)(a)(ii), (I)(10)(a-b)</u>	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule (I)(9)(a)(ii), (I)(10)(a-b)</u>	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/10/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule (I)(9)(a)(iii), (I)(10)(a)</u>	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule (I)(9)(a)(ii), (I)(10)(a-b)</u>	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.

	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/12/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/14/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/17/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG,</u>	The office note submitted by

						<u>Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/18/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/24/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/26/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in

							the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
6/28/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
7/1/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.

7/8/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
7/10/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$11.00.
7/12/02	97035	\$26.00	\$0.00	F	\$22.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(iii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$22.00.
	97014	\$18.00	\$0.00	F	\$15.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a-b)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is entitled to reimbursement in the amount of \$15.00.
	97010	\$15.00	\$0.00	F	\$11.00	<u>MFG, Medicine Ground Rule</u> (I)(9)(a)(ii), (I)(10)(a)	The office note submitted by the requestor supports delivery of service. Therefore the requestor is

						(l)(10)(a-b)	entitled to reimbursement in the amount of \$11.00.
TOTAL		\$1,186.00	\$0.00		\$960.00		The requestor is entitled to reimbursement of \$720.00.

ORDER

Pursuant to §§402.042, 413.016, 413.031, and 413.019 of the Act, the Medical Review Division hereby ORDERS the respondent to pay for 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 Decision is applicable for dates of service 5/14/02 through 7/12/02 in this dispute.

This Order is hereby issued this 9th day of January 2004.

Margaret Q. Ojeda
 Medical Dispute Resolution Officer
 Medical Review Division

MQO/mqo

NOTICE OF INDEPENDENT REVIEW DECISION

July 29, 2003

MDR Tracking #: M5-03-2287-01
 IRO Certificate #: IRO4326

The ___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the rendered care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a matched peer with the treating health care professional. This case was reviewed by a health care professional licensed in chiropractic care. ___'s health care professional has signed a certification statement stating 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 the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This patient was involved in a work-related injury on ___ when a patient in a wheelchair rolled into her, causing low back, hip, and leg pain. She also reports numbness and tingling in her left leg.

Electromyography (EMG) and nerve conduction velocity (NCV) studies from 07/29/02 were both normal. An MRI performed 06/07/02 revealed bulging discs from L2 to S1 with indentation of the thecal sac. She underwent lumbar epidural steroid injections with some relief.

Requested Service(s)

Office visits for dates 06/12/02 and 06/14/02

Decision

It is determined that the office visits for dates 06/12/02 and 06/14/02 were medically necessary to treat this patient's condition.

Rationale/Basis for Decision

This patient was treated with passive therapies on the days prior to those in question. The office visits rendered on 06/12/02 and 06/14/02 consisted of passive therapies and a daily assessment on each visit and were within the first month of treatment. It is generally accepted that passive modality usage is reasonable within the first month of care. Therefore, it is determined that the office visits for dates 06/12/02 and 06/14/02 were medically necessary.

Sincerely,