

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, 133.307 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 June 19, 2003.

The IRO reviewed office visits, work hardening and FCE rendered from 9/16/02 through 9/25/02 that was denied based upon "V".

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. This dispute also contained services that were not addressed by the IRO and will be reviewed by the Medical Review Division.

On August 28, 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 requestor and respondent failed to submit copies of EOBs with the dispute packet, therefore the charges with no EOBs will be reviewed according to the Medical Fee Guideline.

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

DOS	CPT CODE	Billed	Paid	EOB Denial Code	MARS	Reference	Rationale
8/14/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the "Supplemental Charting Notes and Activity & Attendance Record" submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine</u>	Review of the "Supplemental Charting Notes and Activity &

						<u>Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
8/19/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
8/20/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
8/21/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports

						Rule 133.307 (g)(3)	delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
8/22/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the "Supplemental Charting Notes and Activity & Attendance Record" submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the "Supplemental Charting Notes and Activity & Attendance Record" submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
8/23/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the "Supplemental Charting Notes and Activity & Attendance Record" submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the "Supplemental Charting Notes and Activity & Attendance Record" submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
8/28/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the "Supplemental Charting Notes and Activity & Attendance Record" submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the "Supplemental Charting Notes and Activity & Attendance Record" submitted by the requestor supports delivery of service, therefore

						Rule 133.307 (g)(3)	the requestor is entitled to reimbursement in the amount of \$348.00.
8/29/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
9/4/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
9/6/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to

						(g)(3)	reimbursement in the amount of \$348.00.
9/9/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
9/10/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
9/11/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u>  Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.

9/12/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$320.00	\$0.00	No EOB	\$320.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$320.00.
9/13/02	97545-WH	\$128.00	\$0.00	No EOB	\$128.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$128.00
	97546-WH	\$384.00	\$0.00	No EOB	\$384.00	<u>MFG, Medicine Ground Rule (II)(E)(1-10)</u> Rule 133.307 (g)(3)	Review of the “Supplemental Charting Notes and Activity & Attendance Record” submitted by the requestor supports delivery of service, therefore the requestor is entitled to reimbursement in the amount of \$348.00.
TOTAL		\$7,616.00					The requestor is entitled to reimbursement of <b>\$7,616.00.</b>

This Decision is hereby issued this 15<sup>th</sup> day of January 2004.

Margaret Q. Ojeda  
Medical Dispute Resolution Officer  
Medical Review Division

MQO/mqo

**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 8/14/02 through 9/25/02 in this dispute.

This Order is hereby issued this 15<sup>th</sup> day of January 2004.

David R. Martinez, Manager  
Medical Dispute Resolution  
Medical Review Division

DRM/mqo

August 20, 2003

David Martinez  
TWCC Medical Dispute Resolution  
4000 IH 35 South, MS 48  
Austin, TX 78704

MDR Tracking #: M5-03-2657-01  
IRO #: 5251

\_\_\_ has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this 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 care rendered to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed Doctor of Chiropractic. The \_\_\_ health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors 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 the dispute.

#### CLINICAL HISTORY

\_\_\_ was given work hardening as part of his rehab, secondary to a work-related injury that occurred on 2/8/02 when a backhoe window came loose and struck him on the head causing head, neck and upper back injuries. Work hardening was denied by the insurance peer as unnecessary, though no evidence of this was provided in the medical records.

## DISPUTED SERVICES

Under dispute is the medical necessity of the office visit, work hardening and FCE rendered from 9/16/02 through 9/25/02.

## DECISION

The reviewer disagrees with the prior adverse determination.

## BASIS FOR THE DECISION

The documentation provided noted that the patient's job was at a medium category, per the DOT. The original FCE performed on 7/25/02 showed deficiencies not allowing the patient to perform all of his pre-injury duties. Documentation of his work hardening showed steady increases. Ultimately he was able to improve from the light category to the medium category, allowing him to return to his pre-injury job as demonstrated on his FCE of 9/25/02. The program was effective in its goals overall and therefore reasonable.

\_\_\_ has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. \_\_\_ has made no determinations regarding benefits available under the injured employee's policy

As an officer of \_\_\_, I certify that there is no known conflict between the reviewer, \_\_\_ and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

\_\_\_ is forwarding this finding by US Postal Service to the TWCC.

Sincerely,