

MDR Tracking Number: M5-03-2730-01

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, 2002 and Commission Rule 133.305 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 Division has reviewed the enclosed IRO decision and determined that **the requestor did not prevail** on the issues of medical necessity. The IRO agrees with the previous determination that the electro-diagnostic testing, nerve conduction, sensory nerve, H/F reflex study, somatosensory testing, unlisted neurological procedures were not medically necessary. Therefore, the requestor is not entitled to reimbursement of the IRO fee.

Based on review of the disputed issues within the request, the Division has determined that the electro-diagnostic testing, nerve conduction, sensory nerve, H/F reflex study, somatosensory testing, unlisted neurological procedure fees were the only fees involved in the medical dispute to be resolved. As the treatment was not found to be medically necessary, reimbursement for date of service 7/25/02 is denied and the Division declines to issue an Order in this dispute.

This Decision is hereby issued this 19th day of August 2003.

Carol R. Lawrence
Medical Dispute Resolution Officer
Medical Review Division
CRL/crl

August 12, 2003

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IRO Certificate# 5259

An independent review of the above-referenced case has been completed by a chiropractic doctor. 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 patient reportedly strained his back while lifting two buckets of ceramic mix from a pit on ___. Subsequent MRI's of both the cervical and thoracic areas were normal, as was a post-injury bone scan. The patient was then referred to ___ for chiropractic care and rehabilitation. It is unclear from the documentation submitted when ___ was released from care.

REQUESTED SERVICE (S)

Medical necessity of the electrodiagnostic testing performed by ___ on 7/25/02; specifically both upper and lower extremity nerve condition velocity studies and evoked potentials.

DECISION

Denied.

RATIONALE/BASIS FOR DECISION

The documentation fails to support the medical necessity of these electrodiagnostics.

First, the MRI's ruled out any specific disc or nerve root pathology. In addition, the injury was to ___ cervical and thoracic areas; therefore, despite the patient's subjective reports of lower extremity tingling or numbness, it would have limited bearing on the involved injury.

More importantly, the doctor of chiropractic's own records repeatedly state that ___ was 'progressing as expected.' (Refer to SOAP notes from dates of service 7/10, 7/15, 7/17, 7/19, and 7/22. In fact, this last date of service immediately precedes the diagnostic testing.) There is no basis for ordering diagnostic testing of this magnitude when the patient is 'progressing as expected', even if an FCE revealed an 'unsuspected weakness' that needed 'to be found'.