

MDR Tracking Number: M5-03-2761-01

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 (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 June 30, 2003.

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 the only issue** to be resolved. The nervous system surgery, joint mobilization, therapeutic activities, hot/cold packs, therapeutic exercises, and nerve block injections were found to be medically necessary. The respondent raised no other reasons for denying reimbursement of the nervous system surgery, joint mobilization, therapeutic activities, hot/cold packs, therapeutic exercises, and nerve block injections charges.

This Findings and Decision is hereby issued this 7th day of November 2003.

Margaret Q. Ojeda
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 8/1/02 through 12/12/02 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 7th day of November 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division
RL/mqo

November 5, 2003

Re: MDR #: M5-03-2761-01
IRO Certificate No.: 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 Board Certified in Physical Medicine and Rehabilitation.

Clinical History:

This male claimant suffered a work-related injury on ___, producing low back pain with radiation into the left lower extremity. Chiropractic therapy, physical therapy and medical management failed to significantly improve his symptoms. When discography was not allowed, the patient was placed on a DRX regimen with concomitant passive therapeutic modalities, including hot or cold packs and therapeutic exercises.

Disputed Services:

Nervous system surgery, joint mobilization, therapeutic activities, hot/cold packs, therapeutic exercises and nerve block injections during the period of 08/01/02 through 12/12/02.

Decision:

The reviewer disagrees with the determination of the insurance carrier and is of the opinion that the procedures, therapies and treatments as named above were medically necessary in this case.

Rationale:

This patient's symptom complex certainly pointed to the area of the discography as a pain generator, in the face of a negative MRI. The DRX treatments and associated therapies were entirely justified. The patient's subjective pain decreased from 7 to 4 as a result of the DRX treatment, etc. He also demonstrated improved range of motion at the conclusion of therapy.

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,