

**THIS DECISION HAS BEEN APPEALED. THE FOLLOWING IS THE RELATED SOAH DECISION NUMBER:**

**SOAH DOCKET NO. 453-04-1329.M5**

MDR Tracking Number: M5-03-2895-01

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. The dispute was received on 7-11-03.

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 \$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 requestor submitted a withdrawal for disputed dates of service 2-3-03, 4-11-03 to 4-25-03 that had no EOBs. The office visits, hot/cold packs, electrical stimulation, joint mobilization, myofascial release, group therapeutic procedures, therapeutic exercises, range of motion, and required reports were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for the above listed services.

The above Findings and Decision are hereby issued this 30th day of October 2003.

Dee Z. Torres  
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 1-29-03 through 1-31-03 and 2-5-03 through 4-9-03 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 30th day of October 2003.

David R. Martinez, Manager  
Medical Dispute Resolution  
Medical Review Division  
DRM/dzt

September 29, 2003

Re: MDR #: M5-03-2895-01  
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 certified in Chiropractic Medicine.

**Clinical History:**

This male claimant was working on \_\_\_ when he sustained injuries to his chest and ribs. He sought treatment and was diagnosed with back and abdominal contusions. He underwent x-rays of the cervical spine and chest areas, and the lumbar area, all of which were negative. He was released on 07/26/01. He sought chiropractic treatment on 01/29/03.

**Disputed Services:**

Office visits, hot/cold packs, electrical stimulation, joint mobilization, therapy procedures, group, myofascial release, manipulations, separate procedures, special reports, and range of motion measurements, during the period of 01/29/03 through 04/29/03.

**Decision:**

The reviewer disagrees with the determination of the insurance carrier and is of the opinion that the services in dispute were medically necessary in this case.

**Rationale:**

The nature of the exacerbations of the patient's condition during his care, and then being released with pain levels still present, coupled with difficulty lifting, indicates that the active rehabilitation program was a good alternative to continued medications. Therefore, due to the patient's not being at a Heavy DOT upon initial release from his treatment, and the traumatic nature of his injury, the treatment and services in question were medically necessary.

According to Texas Labor Code 408:021(a), an employee is entitled to the care reasonably required in association with their injury and the treatment thereof. If the patient's condition is not stable, the care to maintain and promote healing is medically necessary.

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,