

MDR Tracking Number: M5-03-3007-01

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 July 18, 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 \$460** 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 FCE and Work hardening were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for the above listed services.

This findings and decision is hereby issued this 30th day of December 2003.

Patricia Rodriguez
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 08/01/02 through 08/16/02 in this dispute.

This order is hereby issued this 30th day of December 2003.

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

December 17, 2003

Rosalinda Lopez
Texas Workers' Compensation Commission
Medical Dispute Resolution

Fax: (512) 804-4868

Re: MDR # M5-03-3007-01
IRO Certificate No.: IRO 5055

REVISED REPORT
Revision to Disputed Services & Rationale

___ 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 female claimant injured her low back in a work-related accident on ___. She initially sought treatment with one provider, but later sought treatment elsewhere, beginning 05/30/02. Later, she entered a six-week work hardening program. She benefited from the program as evidenced in the increase in ability between the two Functional Capacity Examinations.

Disputed Services:

FCE and Work hardening program from 08/1/02 through 08/16/02.

Decision:

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

Rationale:

Documentation shows that the work hardening program benefited the patient, as indicated by the increase in ability shown in her FCE. This Functional Capacity Evaluation was necessary to assess the patient's progress in the program.

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,