

DECISION AND ORDER

This case is decided pursuant to Chapter 410 of the Texas Workers' Compensation Act and Rules of the Division of Workers' Compensation adopted thereunder.

ISSUE

A contested case hearing was held on February 12, 2008, to decide the following disputed issue:

1. Whether the preponderance of the evidence is contrary to the decision of the Independent Review Organization (IRO) that manipulation under anesthesia is not reasonable and necessary health care services for the compensable injury of ____?

PARTIES PRESENT

Claimant appeared and was assisted by (Ombudsman). Dr. S, Claimant's treating doctor appeared. Carrier appeared and was represented by attorney.

BACKGROUND INFORMATION

On ____, Claimant injured her lumbar spine as a result of lifting quarters while working at a tollway. The IRO determined that manipulation under anesthesia is not reasonable and necessary treatment for the injury because the procedure is experimental and investigational.

Under the Official Disability Guidelines in reference to Low Back, Manipulation under Anesthesia, the following recommendation is made:

"Not recommended for back conditions in the absence of vertebral fracture or dislocation. In the appendicular skeleton, manipulation with the patient under anesthesia (MUA) may be performed as a treatment of arthrofibrosis, particularly of the shoulder (i.e., frozen shoulder) or knee. In the spine, manipulation under anesthesia may be performed as a closed treatment of vertebral fracture or dislocation. In the absence of vertebral fracture or dislocation, MUA, performed either with the patient sedated or under general anesthesia, is intended to overcome the conscious patient's protective reflex mechanism, which may limit the success of prior attempts of spinal manipulation or adjustment in the conscious patient. Manipulation under anesthesia (MUA) cannot be recommended at the present time. Existing studies are not high quality and the outcomes were not great, plus the procedure is expensive and has risks. There is a need for high quality studies before recommending this. (Haldeman, 1993) (Ben-David, 1994) (Aspegren, 1997) (Palmieri, 2002) (West, 1999) (Kohlbeck, 2002) (Kohlbeck, 2005) It is also not generally recommended under group health plans. (BlueCross BlueShield, 2007) (Aetna, 2004) See also the Shoulder Chapter, where MUA is under consideration as an option in adhesive capsulitis."

There is no evidence of vertebral fracture or dislocation; and Claimant failed to provide evidence based medicine contrary to the ODG. Exhibits offered by Dr. S were not admitted for the most part; however, if they had been admitted, the result herein would not have changed. Claimant is not entitled to the procedure requested.

Even though all the evidence presented was not discussed, it was considered. The Findings of Fact and Conclusions of Law are based on all of the evidence presented.

FINDINGS OF FACT

1. The parties stipulated to the following facts:
 - A. Venue is proper in the (City) Field Office of the Texas Department of Insurance, Division of Workers' Compensation.
 - B. On ____, Claimant was the employee of Employer, when she sustained a compensable injury.
2. The preponderance of the evidence is not contrary to the decision of the Independent Review Organization (IRO) that manipulation under anesthesia is not reasonable and necessary health care services for the compensable injury of ____.

CONCLUSIONS OF LAW

1. The Texas Department of Insurance, Division of Workers' Compensation, has jurisdiction to hear this case.
2. Venue is proper in the (City) Field Office.
3. Manipulation under anesthesia is not reasonable and necessary health care services for the compensable injury of ____.

DECISION

Manipulation under anesthesia is not reasonable and necessary health care services for the compensable injury of ____.

ORDER

Carrier is not liable for the benefits at issue in this hearing. Claimant remains entitled to medical benefits for the compensable injury in accordance with §408.021.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA**, and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
701 BRAZOS, SUITE 1050
AUSTIN, TEXAS 78701**

Signed this 19th day of February, 2008.

Charles T. Cole
Hearing Officer