

MEDICAL CONTESTED CASE HEARING NO. 12115
M6-12-38554-01

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.

ISSUES

A contested case hearing was held on June 11, 2012 to decide the following disputed issue:

1. Is the preponderance of the evidence contrary to the decision of the IRO that the claimant is not entitled to outpatient office visit on October 24, 2011 and medications including Cymbalta (billed July 21, 2011), lansoprazole (Prevacid) (billed June 16, 2011), and Neurontin (billed July 24, 2011) for the compensable injury of (Date of Injury)?

PARTIES PRESENT

Petitioner/Claimant appeared and was assisted by VM, ombudsman. Respondent/Carrier appeared and was represented by GT, attorney.

BACKGROUND INFORMATION

The IRO decision is dated January 12, 2012 and was mailed to Claimant's correct address on that date. Claimant's appeal from the IRO decision was filed with the Division on March 16, 2012. The appeal was not timely filed pursuant to Rule 133.308(t)(1)(B).

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 (Date of Injury) Claimant was the employee of (Employer), Employer.

- C. On (Date of Injury) Employer provided workers' compensation insurance with The Travelers Indemnity Company of Connecticut, Carrier.
 - D. On (Date of Injury) Claimant sustained a compensable injury.
 - E. The Independent Review Organization determined Claimant should not have the requested treatment.
- 2. delivered to Claimant single document stating the true corporate name of Carrier, and the name and street address of Carrier's registered agent, which document was admitted into evidence as Hearing Officer's Exhibit Number 2.
 - 3. Claimant's appeal from the IRO decision was not timely filed.
 - 4. Outpatient office visit on October 24, 2011 and medications including Cymbalta (billed July 21, 2011), lansoprazole (Prevacid) (billed June 16, 2011), and Neurontin (billed July 24, 2011) is not health care reasonably required for the compensable injury of (Date of Injury).

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. The preponderance of the evidence is not contrary to the decision of the IRO that outpatient office visit on October 24, 2011 and medications including Cymbalta (billed July 21, 2011), lansoprazole (Prevacid) (billed June 16, 2011), and Neurontin (billed July 24, 2011) is not health care reasonably required for the compensable injury of (Date of Injury).

DECISION

Claimant is not entitled to outpatient office visit on October 24, 2011 and medications including Cymbalta (billed July 21, 2011), lansoprazole (Prevacid) (billed June 16, 2011), and Neurontin (billed July 24, 2011) for the compensable injury of (Date of Injury).

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 Section 408.021 of the Act.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
D/B/A CSC – LAWYERS INCORPORATING SERVICE COMPANY
211 EAST 7th STREET, SUITE 620
AUSTIN, TEXAS 78701**

Signed this 11th day of June, 2012.

Thomas Hight
Hearing Officer