

MEDICAL CONTESTED CASE HEARING NO. 12118
M6-12-39102-01

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 medical contested case hearing was held on June 11, 2012, with the record closing on June 21, 2012, to decide the following disputed issue:

Is the preponderance of the evidence contrary to the decision of the Independent Review Organization (IRO) that the claimant is not entitled to a cervical epidural steroid injection at C4-C5, C5-C6, with IV sedation, under CPT Codes 62310 and 77003 for the compensable injury of (Date of Injury)?

PARTIES PRESENT

Claimant failed to appear for the medical contested case hearing, but she responded to the Division's 10-day letter and requested that the case be closed. Carrier appeared and was represented by JL, attorney.

BACKGROUND INFORMATION

Although properly notified, Claimant failed to appear for the medical contested case hearing scheduled for 1:00 p.m. on June 11, 2012. A letter advising that the hearing had convened and that the record would be held open for ten days to afford Claimant the opportunity to respond and request that the hearing be rescheduled to permit her to present evidence on the disputed issues was mailed to Claimant on June 12, 2012. Claimant responded to the Division's 10-day letter. In her response, which was received by the hearing officer on June 21, 2012, Claimant requested that the case be closed. On June 21, 2012, the record was closed.

Claimant, as the party challenging the decision of the Independent Review Organization (IRO), had the burden of proof to overcome that decision by a preponderance of evidence-based medical evidence. Having failed to appear and offer evidence-based medical evidence in support of the necessity of the proposed procedure, she failed to show that she is entitled to the health care at issue in this hearing.

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

The hearing officer found the following facts:

1. Venue is proper in the (City)Field Office of the Texas Department of Insurance, Division of Workers' Compensation.
2. On (Date of Injury), Claimant was the employee of (Employer), Employer, and sustained a compensable injury.
3. On (Date of Injury), Employer provided workers' compensation insurance coverage to Claimant through Accident Fund National Insurance Company.
4. The Independent Review Organization (IRO) determined that the health care at issue in this case is not health care reasonably required for the compensable injury of (Date of Injury).
5. Claimant did not appear for the medical contested case hearing scheduled for 1:00 p.m. on June 11, 2012.
6. A letter advising Claimant that the hearing had convened and that the record would be held open for ten days to afford her the opportunity to respond and request that the hearing be rescheduled to permit her to present evidence on the disputed issues was mailed to Claimant on June 12, 2012.
7. Claimant responded to the Division's 10-day letter and requested that the case be closed.
8. The Division sent a single document stating the true corporate name of the Carrier and the name and street address of Carrier's registered agent for service with the 10-day letter to the Claimant at Claimant's address of record. That document was admitted into evidence as Hearing Officer Exhibit Number 2.
9. No evidence-based medical evidence was presented to establish that cervical epidural steroid injection at C4-C5, C5-C6, with IV sedation, under CPT Codes 62310 and 77003 is health care reasonably required for Claimant's 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 the claimant is not entitled to a cervical epidural steroid injection at C4-C5, C5-C6, with IV sedation, under CPT Codes 62310 and 77003 for the compensable injury of (Date of Injury).

DECISION

Claimant is not entitled to cervical epidural steroid injection at C4-C5, C5-C6, with IV sedation, under CPT Codes 62310 and 77003 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 §408.021.

The true corporate name of the insurance carrier is **ACCIDENT FUND NATIONAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ALEX GONZALES
401 CONGRESS AVE., SUITE 2100
AUSTIN, TEXAS 78701-3798**

Signed this 27th day of June, 2012.

Jennifer Hopens
Hearing Officer