

MEDICAL CONTESTED CASE HEARING NO. 13016
M6-12-39075-01

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.

ISSUE

A medical contested case hearing was scheduled for June 13, 2012 but the Claimant failed to appear. On June 13, 2012, the Claimant informed the undersigned by telephone that she no longer wanted to pursue the treatment in dispute at this hearing. The Petitioner, however, requested that the hearing be reset, and it was reset to October 9, 2012 to decide the following disputed issue:

1. Is the preponderance of the evidence-based medical evidence contrary to the decision of the Independent Review Organization (IRO) that the Claimant is not entitled to chronic pain management program (CPMP) 5 times per week times 2 weeks times 8 units per session for the compensable injury of (Date of Injury)?

PARTIES PRESENT

On October 9, 2012, the Petitioner failed to appear. The Claimant also failed to appear, and her appearance was excused. DV, ombudsman, was present to assist the Claimant on both June 13, 2012 and October 9, 2012. Carrier/Respondent appeared and was represented by PM, attorney, on both June 13, 2012 and October 9, 2012.

BACKGROUND INFORMATION

The Petitioner failed to appear at the hearing and he did not avail himself of the opportunity to present his case. As noted above, the Claimant informed the undersigned that she is no longer interested in pursuing the disputed treatment. Having failed to appear and offer evidence in support of the requested health care services, the Petitioner failed to prove that the preponderance of the evidence-based medical evidence is contrary to the decision of the IRO that the Claimant is not entitled to the requested CPMP 5 times per week times 2 weeks times 8 units per session for her compensable (Date of Injury) injury.

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 Carrier admitted 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 had workers' compensation insurance coverage through self-insurance.
 - D. On (Date of Injury), the Claimant sustained a compensable injury while in the course and scope of her employment with (Employer), Inc.
 - E. The IRO upheld the Carrier's denial of the requested CPMP 5 times per week times 2 weeks times 8 units per session for the Claimant's compensable (Date of Injury) injury.
2. No evidence was presented to show that the Claimant meets the criteria found in the *Official Disability Guidelines* for CPMP 5 times per week times 2 weeks times 8 units per session for her compensable (Date of Injury) injury, and no other evidence was presented to support the medical necessity of the said CPMP.
3. The Petitioner did not have good cause for failing to appear at the October 9, 2012 medical contested case hearing held herein.
4. CPMP 5 times per week times 2 weeks times 8 units per session is not health care reasonably required for the compensable injury of (Date of Injury).
5. The undersigned mailed a single document stating the true corporate name of the Carrier, and the name and street address of Carrier's registered agent, which was admitted into evidence as Hearing Officer Exhibit Number 2, to the Petitioner at his last known address.

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 CPMP 5 times per week times 2 weeks times 8 units per session is not health care reasonably required for the compensable injury of (Date of Injury).

DECISION

Claimant is not entitled to CPMP 5 times per week times 2 weeks times 8 units per session 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 Self-Insured Carrier is (**SELF-INSURED**), and the name and address of its registered agent for service of process is:

**C T CORPORATION SYSTEM
350 N. ST. PAUL STREET
DALLAS, TX 75201**

Signed this 5th day of November, 2012.

Patrice Fleming-Squirewell
Hearing Officer