

MEDICAL CONTESTED CASE HEARING NO 08043

M4-07-5173-01

M4-06-7768-01

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 benefit contested case hearing was opened on October 1, 2007, and closed on March 25, 2008, to decide the following disputed issues:

In Docket No. (Docket No. 1):

1. Whether the preponderance of the evidence is contrary to the decision of Medical Review rendered on September 13, 2007, that Petitioner is not entitled to reimbursement for an additional level code under CPT Code 64484 for services rendered on May 11, 2006, in the amount of an additional \$337.05 plus interest?

In Docket No. (Docket No. 2):

1. Whether the preponderance of the evidence is contrary to the decision of Medical Review rendered on September 18, 2007, that Petitioner is not entitled to reimbursement for an additional level code under CPT Code 64484 for services rendered on March 6, 2006, in the amount of an additional \$337.05 plus interest?

PARTIES PRESENT

Petitioner appeared and was represented by MD and AP, lay representatives. Carrier appeared and was represented by an (Attorney). Claimant did not appear; and his appearance was waived.

BACKGROUND

On March 9, 2006, and on May 11, 2006, RP, M.D., of (Surgery Center), administered nerve root transforaminal epidural steroid injection at two levels on both dates, to-wit:

- a. The right L4 nerve root level; and
- b. The right L5 nerve root level.

However, in reaching its Medical Fee Dispute Resolution Findings and Decision(s) (MR-04's) in each case, the injections were erroneously considered as one injection at one location. The reviewer erroneously perceived that only one injection had been performed at one L4-L5 nerve root level. Attached to and part of Petitioner's request in each Sequence herein are fluoroscopy pictures

obviously showing to treatment levels and "Procedure Descriptions" for two treatment levels. AP further described the two injections and two treatment sites for each of the two calendar dates. The greater weight of the evidence is contrary to the findings of Medical Review in each case. In each Sequence herein, Petitioner is entitled to \$337.05 plus interest under CPT Code 64484.

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 he sustained a compensable injury.
2. Carrier delivered to Claimant a 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. In Docket No. 1, the preponderance of the evidence is contrary to the decision of Medical Review rendered on September 13, 2007, that Petitioner is not entitled to reimbursement for an additional level code under CPT Code 64484 for services rendered on May 11, 2006, in the amount of an additional \$337.05 plus interest.
4. In Docket No. 2, the preponderance of the evidence is contrary to the decision of Medical Review rendered on September 18, 2007, that Petitioner is not entitled to reimbursement for an additional level code under CPT Code 64484 for services rendered on March 6, 2006, in the amount of an additional \$337.05 plus interest.

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. In Docket No. 1, Petitioner is entitled to reimbursement for an additional level code under CPT Code 64484 for services rendered on May 11, 2006, in the amount of an additional \$337.05 plus interest.
4. In Docket No. 2, Petitioner is entitled to reimbursement for an additional level code under CPT Code 64484 for services rendered on March 6, 2006, in the amount of an additional \$337.05 plus interest.

DECISION

In Docket No. 1, Petitioner is entitled to reimbursement for an additional level code under CPT Code 64484 for services rendered on May 11, 2006, in the amount of an additional \$337.05 plus interest. In Docket No. 2, Petitioner is entitled to reimbursement for an additional level code under CPT Code 64484 for services rendered on March 6, 2006, in the amount of an additional \$337.05 plus interest.

ORDER

Carrier is ordered to pay benefits in accordance with this decision, the Texas Workers' Compensation Act, and the Commissioner's Rules. Accrued but unpaid medical benefits shall be paid in a lump sum together with interest as provided by law.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201**

Signed this 25th day of March, 2008.

Charles T. Cole
Hearing Officer