

MEDICAL CONTESTED CASE HEARING 15049

DECISION AND ORDER

This case is decided pursuant to Chapter 410 of the Texas Workers' Compensation Act and the Rules of the Texas Department of Insurance, Division of Workers' Compensation. For the reasons discussed herein, the Hearing Officer determines that Claimant has not proven that the preponderance of evidence is contrary to the Independent Review Organization (IRO) opinion that left hip arthroscopy with labral repair is not a health care service reasonably required for the compensable injury of (Date of Injury).

STATEMENT OF THE CASE

A prehearing for this medical contested case hearing was held on May 5, 2015. No agreement was reached and on June 16, 2015, Phillip Brown, a Division hearing officer, opened a medical contested case hearing that was closed on July 14, 2015, after Claimant and Petitioner failed to respond to a 10-day letter, to decide the following disputed issue:

Is the preponderance of the evidence contrary to the decision of the IRO that the claimant is not entitled to left hip arthroscopy with labral repair for the compensable injury of (Date of Injury)?

PARTIES PRESENT

Although properly notified of the date, time and place of the pre-hearing and final MCCH, neither Claimant nor Petitioner appeared, and neither party responded to the Division's 10-day letter. Respondent appeared and was represented by KP, attorney.

EVIDENCE PRESENTED

The following witnesses testified:

For the Claimant: None

For the Petitioner: None

For Respondent: None

The following exhibits were admitted into evidence:

Hearing Officer's Exhibits: HO-1 through HO-4

Claimant's Exhibits: None

Petitioner's Exhibits: None

Respondent's Exhibits: None

DISCUSSION

Although properly notified, Claimant and Petitioner failed to appear for the medical contested case hearing scheduled for 8:30 a.m. on June 16, 2015. A letter advising that the hearing had convened and that the record would be held open for ten days to afford Claimant and Petitioner the opportunity to respond and request that the hearing be rescheduled to permit either party to present evidence on the disputed issue was mailed to Claimant and Petitioner on June 23, 2015. Neither Petitioner nor Claimant responded to the Division's 10-day letter and, on July 14, 2015, the record was closed. Having failed to appear and offer evidence in support of the dispute of the IRO decision, Petitioner failed to show that it is entitled to the relief it seeks on the issue presented. I find that Petitioner has not met its burden to show that the preponderance of evidence is contrary to the IRO opinion that left hip arthroscopy with labral repair is not a health care service reasonably required for the compensable injury of (Date of Injury).

The Hearing Officer considered all of the evidence admitted. The Findings of Fact and Conclusions of Law are based on an assessment of all the evidence whether or not the evidence is specifically discussed in this Decision and Order.

FINDINGS OF FACT

1. Respondent 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 provided workers' compensation insurance as a certified Self-Insured.
 - D. Claimant sustained a compensable injury on (Date of Injury).
 - E. The Independent Review Organization determined that the requested services were not reasonable and necessary health care services for the compensable injury of (Date of Injury).
2. Carrier delivered to Claimant and Petitioner 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 4.

3. The preponderance of evidence is not contrary to the IRO opinion that left hip arthroscopy with labral repair is not a health care service 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 IRO opinion that left hip arthroscopy with labral repair is not a health care service reasonably required for the compensable injury of (Date of Injury).

DECISION

Claimant is not entitled to treatment in the form of left hip arthroscopy with labral repair for the compensable injury of (Date of Injury).

ORDER

Respondent Self-Insured 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 is (**EMPLOYER**), and the name and address of its registered agent for service of process is:

**PAUL LESLIE, EVP & GENERAL COUNSEL FOR LEGAL AFFAIRS
5201 HARRY HINES
DALLAS, TX 75235**

Signed this 14th day of July, 2015.

Phillip Brown
Hearing Officer