

**THIS DECISION HAS BEEN APPEALED. THE
FOLLOWING IS THE RELATED SOAH DECISION NUMBER:**

SOAH DOCKET NO. 453-03-0704.M5

MDR Tracking Number: M5-02-2279-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective January 1, 2002 and Commission Rule 133.305 and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division (Division) assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent.

The Division has reviewed the enclosed IRO decision and determined that **the requestor did not prevail** on the issues of medical necessity. The IRO agrees with the previous determination that the additional units of therapeutic activities were not medically necessary.

Based on review of the disputed issues within the request, the Division has determined that the medical necessity fees for the additional units of therapeutic activities were the only fees involved in the medical dispute to be resolved. As the treatment was not found to be medically necessary, reimbursement for dates of service from 5-8-91 through 12-7-01 is denied and the Division declines to issue an Order in this dispute.

This Decision is hereby issued this 23rd day of August 2002.

Dee Z. Torres, Medical Dispute Resolution Officer
Medical Review Division

DZT/dzt

This document is signed under the authority delegated to me by Richard Reynolds, Executive Director, pursuant to the Texas Workers' Compensation Act, Texas Labor Code Sections 402.041 - 402.042 and subsequently re-delegated by Virginia May, Deputy Executive Director.

Enclosure: IRO decision

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

August 5, 2002

Re: IRO Case # M5-02-2279-01

Texas Worker's Compensation Commission:

___ has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IRO's, TWCC assigned this case to ___ for an independent review. ___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, ___ received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a Doctor of Chiropractic certified by the State of Texas, who also is a Certified Strength and Conditioning Specialist. He or she has signed a certification statement attesting that no known conflicts of interest exist between him or her and any of the treating physicians or providers, or any of the physicians or providers who reviewed the case for a determination prior to referral to ___ for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The ___ reviewer who reviewed this case has determined that, based on the medical records provided, the requested treatment was not medically necessary. Therefore, ___ agrees with the adverse determination regarding this case. The reviewer's decision and the specific reasons for it, is as follows:

History

The patient was injured ___ when she fell off her chair, hitting her head and injuring her neck and back. She has had extensive treatment during the course of her recovery. She reportedly reached MMI on 3/30/01. On 5/8/01 the patient complained to her treating chiropractor of neck and back pain.

Requested Service

Office visits and manipulations 5/8/01 through 12/7/01.

Decision

I agree with the carrier's decision to deny the requested office visits and treatment 5/8/01 through 12/7/01. The daily notes provided for review fail to demonstrate how continuing office visits are reasonable and necessary to treat the patient's injury. The notes are vague in that there is very little subjective information from the patient and minimal objective findings such as positive or negative orthopedic tests, palpatory findings, cervical, thoracic or lumbar ranges of motion to support continued chiropractic treatment. The information presented for evaluation suggests that the patient could have recurring problems with her neck and back that might require some form of health care treatment to help relieve her symptoms, but the documentation provided was inadequate to support the medical necessity of the treatment provided.

Rationale

Documentation is lacking to support the medical necessity of the requested services. Daily notes are vague and nonspecific in many areas. The treatment plan does not note a timetable for length or frequency of treatment. Treatment was day to day. The noted diagnosis for treatment, 821.11, open fracture of shaft of femur, and treatment consisted of joint manipulation of left leg. This is non-specific and vague in that the notes do not mention which joint was manipulated. The notes continuously state that the patient "is progressing as expected," yet the left knee was surgically repaired for torn medial and lateral meniscus on 8/7/01, some 14 months after the injury. The torn meniscus should have been diagnosed much earlier. Then the surgery could have been performed earlier and unnecessary conservative treatment of the knee prior to surgery would have been avoided. There are also notes that manipulation was performed on the lower back and foot, yet there was no diagnosis regarding these two areas of treatment. There are also several dates between 5/4/01 and 8/31/01 where no treatment or procedure was noted, yet the notes state that the treatment was tolerated well. No reference is made of treatment notes elsewhere.

This medical necessity decision by an Independent Review Organization is deemed to be a Commission decision and order.

Sincerely,