

MDR Tracking Number: M5-02-2955-01

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 assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent.

The Medical Review Division has reviewed the IRO decision and determined that **the requestor prevailed** on the issues of medical necessity. Therefore, upon receipt of this Order and in accordance with §133.308(q)(9), the Commission hereby orders the respondent and non-prevailing party to **refund the requestor \$650.00** for the paid IRO fee. For the purposes of determining compliance with the order, the Commission will add 20 days to the date the order was deemed received as outlined on page one of this order.

In accordance with §413.031(e), it is a defense for the carrier if the carrier timely complies with the IRO decision.

Based on review of the disputed issues within the request, the Medical Review Division has determined that **medical necessity was the only issue** to be resolved. The anesthetic injections, review of medical data and office visits were found to be medically necessary. The respondent raised no other reasons for denying reimbursement.

On this basis, and pursuant to §§402.042, 413.016, 413.031, and 413.019 of the Act, the Medical Review Division hereby ORDERS the respondent to pay the unpaid medical fees in accordance with the fair and reasonable rate as set forth in Commission Rule 133.1(a)(8) plus all accrued interest due at the time of payment to the requestor within 20 days of receipt of this order. This Order is applicable to dates of service 7/9/01 through 12/21/01 in this dispute.

The respondent is prohibited from asserting additional denial reasons relative to this Decision upon issuing payment to the requestor in accordance with this Order (Rule 133.307(j)(2)).

This Order is hereby issued this 15th day of November 2002.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

NLB/nlb

NOTICE OF INDEPENDENT REVIEW DECISION

November 6, 2002

Rosalinda Lopez
Program Administrator
Medical Review Division
Texas Workers Compensation Commission
4000 South IH-35, MS 48
Austin, TX 78704-7491

RE: MDR Tracking #: M5-02-2955-01
IRO Certificate #: 4326

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the rendered care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ___ physician reviewer who is board certified in family practice which is the same specialty as the treating physician. The ___ physician reviewer has signed a certification statement stating 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 the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This 45 year old male sustained a work-related injury on ___ and complained of mid and low back pain. The patient underwent a laminectomy and spinal fusion as a result of the injury. The patient suffers from chronic pain and muscle spasms to the mid thoracic and cervical spine. The treating physician has provided services in the form of paravertebral regional nerve blocks. The treating physician provided anesthetic injection (64441) with the review of medical data (99080-73) on 07/09/01, anesthetic injections on 09/10/01 and 11/20/01 and office visit (99213) on 12/21/01.

Requested Service(s)

Anesthetic injection (64441) with the review of medical data (99080-73) on 07/09/01, anesthetic injections (64441) on 09/10/01 and 11/20/01 and office visit (99213) on 12/21/01.

Decision

It is determined that the anesthetic injection (64441) with the review of medical data (99080-73) on 07/09/01, anesthetic injections (64441) on 09/10/01 and 11/20/01 and office visit (99213) on 12/21/01 were medically necessary to treat this patient's condition.

Rationale/Basis for Decision

The anesthetic injections were medically necessary in order to treat this patient's complaints of thoracic myofascial pain and muscle spasms. The office visits and associated review of the medical data were medically necessary in order to provide follow-up, evaluate the effectiveness of the treatment, and to adjust the patient's pain medications. Therefore, the anesthetic injection (64441) with the review of medical data (99080-73) on 07/09/01, anesthetic injections (64441) on 09/10/01 and 11/20/01 and office visit (99213) on 12/21/01 were medically necessary.

Sincerely,