

MDR Tracking Number: M5-03-1746-01

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 therapeutic activities and procedures were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for these therapeutic activities and procedure charges.

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 through 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 9th day of July 2003.

Carol R. Lawrence
Medical Dispute Resolution Officer
Medical Review Division

CRL/crl

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

June 27, 2003

Re: IRO Case # M5-03-1746-01

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 IROs, 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 physician who is Board Certified in Neurological Surgery. 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 determination of the ___ reviewer who reviewed this case, based on the medical records provided, is as follows:

History

The patient is a 41-year-old male who injured his back in ____. Notes regarding the patient's treatment from 1993 until 2002 were not provided for this review, but apparently the patient had continued discomfort in his back and lower extremities. A multi-level lumbar fusion on 3/10/02 significantly relieved the patient's pain. A complication of that surgery was a post-operative infection, and that has led to a prolonged course. It was recommended that the patient begin a physical therapy program on 9/6/02, at which point the patient's pain had been relieved enough that physical therapy could be pursued. The patient, however, was leery of physical therapy because previous physical therapy sessions apparently had increased his pain and were not helpful.

Therefore, it was decided that the physical therapy be taken slowly, three times per week for six weeks. The physical therapy sessions began on 9/10/02.

The patient shown improvement with physical therapy to the point that he began thinking about returning to work, although his surgeon wants him to wait longer because of the extensive nature of the surgery.

Requested Service(s)

Therapeutic activities and procedure 9/10/02 – 10/9/02

Decision

I disagree with the carrier's decision to deny the requested treatment

Rationale

The physical therapy sessions were helpful and necessary. It appears that the delay in beginning physical therapy was related to post-operative problems that were present with the infection. The therapy itself was of the usual nature for patient's such as this patient, and it was not unreasonable.

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

Sincerely,
