

MDR Tracking Number: M5-04-1354-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305 titled Medical Dispute Resolution - General 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 dispute was received on January 9, 2004.

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(r)(9), the Commission hereby orders the respondent and non-prevailing party to **refund the requestor \$460.00** 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 fluoroscopy was found to be medically necessary. The respondent raised no other reasons for denying reimbursement for treatment listed above.

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 date of service 05/12/03 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 28th day of March 2004.

Patricia Rodriguez
Medical Dispute Resolution Officer
Medical Review Division

PR/pr

March 15, 2004

David Martinez
TWCC Medical Dispute Resolution
4000 IH 35 South, MS 48
Austin, TX 78704

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___ has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this case to ___ for independent review in accordance with TWCC Rule 133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the care rendered to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed Medical Doctor board certified and specialized in Orthopaedic Surgery. The reviewer is on the TWCC Approved Doctor List (ADL). The ___ health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors 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 the dispute.

CLINICAL HISTORY

This is an independent review organizational request in regards to medical necessity for fluoroscopy in an epidural procedure. There are no medical records submitted regarding this claimant's injury, treatment for the injury, or response to treatment.

The only record submitted for perusal was a procedure note dated 05/12/03, where the attending placed an epidural injection at the L5-S1 interspace and a fluoroscopy confirming the needle location with a contrast prior to an injection of the medications including a local anesthetic and a long-acting corticosteroid.

DISPUTED SERVICES

Under dispute is the medical necessity of the use of fluoroscopy at the time of the epidural injection.

DECISION

The reviewer disagrees with the prior adverse determination.

BASIS FOR THE DECISION

Although there are no medical records regarding this claimant's history and physical examination, injury, treatment, and response to treatment, the issue at hand is the technical issue regarding the use of fluoroscopy at the time of the epidural injection. It is unclear the process in which this procedure had been denied and the preauthorization process, or whether it had been a technicality issue in a medical dispute, in regards to payment. Nevertheless, it is considered an industry standard to not do blind epidural injections due to the risk of corticosteroid injection into the thecal sac.

The operative summary shows that the attending physician placed the needle in an indirect vision with fluoroscopy and confirmed needle placement with contrast prior to injection of the medications, which is considered appropriate, reasonable, and necessary for patient safety.

Typically an injection in the spine for an epidural, or sympathetic, or facets require a fluoroscopy to confirm needle placement. Superficial injection and trigger point injections simply do not require a fluoroscopy and therefore it is felt that this physician appropriately used the disputed modality to confirm needle placement thereby adding safety to the procedure following industry standards and therefore should meet the approval of all parties.

___ has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. ___ has made no determinations regarding benefits available under the injured employee's policy

As an officer of ___, I certify that there is no known conflict between the reviewer, ___ and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

___ is forwarding this finding by US Postal Service to the TWCC.

Sincerely,