

MDR Tracking Number: M5-04-1615-01

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 assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. The dispute was received on 1-15-04.

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 prescription medication Celebrex purchased on 12/20/03 was found to be medically necessary. The respondent raised no other reasons for denying reimbursement for the above listed service.

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 12/20/03 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 Decision and Order is hereby issued this 22nd day of April 2004.

Regina L. Cleave
Medical Dispute Resolution Officer
Medical Review Division

RLC/rlc

April 20, 2004

Re: MDR #: M5-04-1615-01
IRO Certificate No.: IRO 5055

___ has performed an independent review of the medical records of the above-named case to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

I am the Secretary and General Counsel of ___ and I certify that the reviewing healthcare professional in this case has certified to our organization that there are no

known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this case for determination prior to referral to the Independent Review Organization.

Information and medical records pertinent to this medical dispute were requested from the Requestor and every named provider of care, as well as from the Respondent. The independent review was performed by a matched peer with the treating health care provider. This case was reviewed by a physician who is certified in Physical Medicine/ Rehabilitation, who is currently on the TWCC Approved Doctor List.

REVIEWER'S REPORT

Information Provided for Review:

Correspondence
H&P and office notes

Clinical History:

This patient sustained a shoulder injury on ____ along with traumatic brain injury and cervical injury. He ultimately had to have 2 operations on the right rotator cuff, the last on 4/25/01, which was successful. The patient has popping or grading in the right shoulder followed by pain, which has been there for some time, "every once in a while".

He has had this on a chronic basis and takes Celebrex and acetaminophen for symptom control.

Disputed Services:

Prescription medication (Celebrex 200) on 12/20/03

Decision:

The reviewer disagrees with the determination of the insurance carrier and is of the opinion that the medication Celebrex was medically necessary in this case.

Rationale:

This patient clearly has chronic right shoulder problems as the result of a work injury on _____. It is entirely appropriate that he be provided with any medications necessary incident to symptoms or treatment of this injury. He has faired well on Celebrex as a daily antiinflammatory to help with his symptoms, and clearly should be provided this as long as he needs it.

Sincerely,