

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

SOAH DOCKET NO. 453-05-3149.M5

MDR Tracking Number: M5-04-1688-01

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 2-10-04.

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** 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 self-care management training, neuromuscular re-education, ultrasound, chiropractic manipulative treatment, myofascial release, gait training, therapeutic exercises, office visits, mechanical traction, special report or service, massage therapy, and telephone call by physician to patient rendered from 3/07/03 through 11/05/03 were 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 outlined above as follows:

- in accordance with the fair and reasonable rate as set forth in Commission Rule 133.1(a)(8) for dates of service through July 31, 2003;
- in accordance with Medicare program reimbursement methodologies for dates of service after August 1, 2003 per Commission Rule 134.202 (c);
- 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 3/07/03 through 11/05/03 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 19th day of October 2004.

Regina L. Cleave
Medical Dispute Resolution Officer
Medical Review Division

April 29, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M5-04-1688-01

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The ___ IRO Certificate Number is 5348. Texas Worker's Compensation Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to ___ for independent review in accordance with this Rule.

___ has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing chiropractor on the ___ external review panel. The reviewer has met the requirements for the ADL of TWCC or has been approved as an exception to the ADL requirement. The ___ chiropractor reviewer signed a statement certifying that no known conflicts of interest exist between this chiropractor and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to ___ for independent review. In addition, the ___ chiropractor reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a 52 year-old male who sustained a work related injury on ___. The patient reported that while at work as a transporter, his attention was diverted and he rear-ended the car in front of him. The patient began treatment with physical therapy and chiropractic from 4/30/02 through 6/26/02. An MRI of the lumbar spine performed on 5/7/02 showed no abnormalities. On 10/11/02 the patient transferred his care to the current treating doctor who began another course of physical therapy and chiropractic care. The patient has also been evaluated by pain management and has undergone a percutaneous needle localization of the right SI joint with arthrogram of right SI joint under fluoroscopy, and inarticular SI joint injection, and a series of nerve blocks and epidural steroid injections. The diagnoses for this patient have included lumbar sacral spine and sprain, contusion of the abdomen, and contusion of the hip.

Requested Services

Self care mngt trang, neuro reed, ultrasound, chiro man treat spinal, myofas rel, gait train, ther exer, ov, mech tract, spec srv or report, mas ther, chiro man treat and CPT code 99371 from 3/7/03 through 11/5/03.

Decision

The Carrier's determination that these services were not medically necessary for the treatment of this patient's condition is overturned.

Rationale/Basis for Decision

The ___ chiropractor reviewer noted that this case concerns a 52 year-old male who sustained a work related injury to his back on ___. The ___ chiropractor reviewer also noted that the diagnoses for this patient have included lumbar sacral spine and sprain, contusion of the abdomen, and contusion of the hip. The ___ chiropractor reviewer further noted that treatment for this patient's condition has included physical therapy, chiropractic treatment, pain management, injection, nerve blocks and epidural steroid injections. The ___ chiropractor reviewer explained that the treatment in question from 3/7/03 through 11/5/03 was appropriate and medically necessary to treat this patient's condition. Therefore, the ___ chiropractor consultant concluded that the self care mngt trang, neuro reed, ultrasound, chiro man treat spinal, myofas rel, gait train, ther exer, ov, mech tract, spec srv or report, mas ther, chiro man treat from 3/7/03 through 11/5/03 were medically necessary to treat this patient's condition.

Sincerely,