

MDR Tracking Number: M5-04-1815-01

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 February 20, 2004.

The Division has reviewed the enclosed IRO decision and determined that **the requestor did not prevail** on the majority of the medical necessity issues. Therefore, the requestor is not entitled to reimbursement of the IRO fee.

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 office visits, joint mobilization (97265), therapeutic exercises (97110), and massage therapy (97124) for 07-21-03 through 12-01-03, **were found** to be medically necessary. The neuromuscular reeducation (97112) and gait training (97116) from 07-24-03 through 07-31-03 **were not found** to be medically necessary. The respondent raised no other reasons for denying reimbursement for the above listed services.

This Findings & Decision is hereby issued this 2nd day of August 2004.

Patricia Rodriguez
Medical Dispute Resolution Officer
Medical Review Division

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 07-21-03 through 12-01-02 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 2nd day of August 2004.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division
RL/pr

April 12, 2004

Amended August 17, 2004

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

MDR Tracking #:
IRO #:

M5-04-1815-01
5251

___ 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 Doctor of Chiropractic. 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

Patient was injured at work on a drilling rig when a piece of the metal drill pierced his thigh, all the way to the bone. His wound was cleaned at the Emergency Room, and he was released. The wound developed an abscess and had to be surgically debrided, irrigated and packed. The surgeon, Dr. ___ recommended a rehabilitation program, which was accomplished at the office of the treating doctor.

DISPUTED SERVICES

Under dispute is the medical necessity of office visits, joint mobilization, massage therapy, ultrasound, neuromuscular reeducation, gait training, therapeutic exercise, electrical stimulation and aquatic therapy.

DECISION

The reviewer recommends approval of all office visits.

Joint mobilization (97265) and massage therapy (97124) should be approved for the dates of 7/21/03, 7/23/03, 7/24/03, 7/28/03, 7/30/03 and 7/31/03.

All charges for therapeutic exercise (97110) should be approved.

The reviewer further recommends denial of neuromuscular reeducation (97112) for 7/24/03, 7/28/03, 7/30/03, 7/31/03, gait training (97116) for 7/28/03, 7/30/03 & 7/31/03.

All aquatic therapy should be denied.

Electric muscle stimulation (97032) and ultrasound (97035) should be approved.

BASIS FOR THE DECISION

The treating doctor has a duty to oversee the treatment of the injured patient. Office visits are necessary to accomplish this evaluation and therefore should be paid.

There is documentation of joint mobilization and massage therapy for the dates of 7/21/03, 7/23/03, 7/24/03, 7/28/03, 7/30/03, 7/31/03, which appears to be appropriate for an injury of this major muscle group. There is no documentation of these procedures past these date. In the injury of a major muscle group such as the adductor musculature, many aspects of functionality will be altered. It may affect joints above and below the area of injury due to the origin and insertion of the muscles. For this reason, it would not be unlikely that the patient experienced altered function of those joints. In that case, joint mobilization would be appropriate. Additionally, there is likely to be a proliferation of scar tissue around the area of injury. Massage therapy is appropriate to help break up adhesions and scar tissue for freedom of mobility of the musculature. In an injury of a major muscle group, these treatments are reasonable and appropriate should be paid.

Therapeutic exercise is necessary to begin preparing the patient for a return to the demands of returning to work. After a serious injury, a patient is at serious risk of re-injury if returned to work without proper rehabilitation. This service is reasonable and appropriate for an injury of this nature and should be paid.

Electric muscle stimulation and ultrasound are passive modalities. These modalities are generally not considered medically necessary beyond the initial 6 weeks of care, however, in this case, they were likely necessary due to the complications in the patient's condition, requiring an extended period of healing due to the abscess formation.

While neuromuscular reeducation, gait training and aquatic therapy may have been reasonable and necessary, documentation of these procedures is severely lacking. Regarding neuromuscular reeducation (97112) and gait training (97116), documentation exists only for the date of 8/21/03. There was no documentation in the daily notes that these procedures were performed on any other date.

The reviewer recommends denial of aquatic therapy. While it certainly would be reasonable to perform aquatic therapy, documentation was not provided. Documentation should include the type of exercises being accomplished in the aquatic setting, as well as the number of repetitions being performed and the length of time that the patient was in the water. Simply saying phase I, phase II, etc. does not document the actual types of procedures that were performed, and does not accurately give the reviewer information on which to formulate an opinion as to whether the therapy is reasonable or necessary.

___ 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,