

MDR Tracking Number: M5-04-1975-01

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 3-02-04.

The Medical Review Division has reviewed the enclosed IRO decision and determined that **the requestor did not prevail** on the issues of medical necessity. The IRO agrees with the previous determination that the muscle testing (two limbs), H/F reflex study, motor nerve conduction test, and sensory nerve conduction test performed on 3/8/03 was not medically necessary. 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 fees were the only fees involved in the medical dispute to be resolved. As the services listed above were not found to be medically necessary, reimbursement for date of service 3/8/03 is denied and the Medical Review Division declines to issue an Order in this dispute.

This Decision is hereby issued this 1st day of June 2004.

Regina L. Cleave
Medical Dispute Resolution Officer
Medical Review Division

RLC/rlc

May 11, 2004

MDR #: M5-04-1975-01
IRO Certificate No.: 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 Chiropractic Medicine and is currently on the TWCC Approved Doctor List.

REVIEWER'S REPORT

Information Provided for Review:

TWCC-60, Table of Disputed Services, EOB's
Doctor exam 01/25/03
H&P and office notes 07/02 thru 04/03
Physical/occupational therapy notes 07/02 thru 12/02.
Biofeedback & psychotherapy progress notes 10/02 thru 03/03.
FCE/Electrodiagnostic study 09/02 thru 04/03
MRI 08/13/02, 2 views thoracic 07/29/02

Clinical History:

The medical records indicate that patient either received or was considered for work hardening, biofeedback, chronic pain management and extensive physical medicine treatments after injuring her low back in a work-related accident on ____.

Disputed Services:

Muscle testing-two limbs, H/F reflex study, motor nerve conduction tests, sensory nerve conduction tests on 03/08/03.

Decision:

The reviewer agrees with the determination of the insurance carrier and is of the opinion that the testing in dispute as stated above was not medically necessary in this case.

Rationale:

The supplied medical records fail to support the medical necessity of the tests in question. The records vividly indicate that past treatments had failed and that the additional diagnostic testing in question would likely yield no benefit. The doctor documents this in his treatment notes dated 03/07/03 when he stated, "I would like for her to meet with him [another doctor] again anyway to see if he has any other suggestions, because myself and (the P.A.) are certainly at a loss." Based on that realization, it was not reasonable to order additional and unnecessary testing that turned out to be "absolutely normal," as reported by the doctor on 04/14/03.

Sincerely,