

MDR Tracking Number: M5-04-2251-01

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 3-22-04.

The Medical Review Division has reviewed the IRO decision and determined that **the requestor prevailed** on the issues of medical necessity for therapeutic procedures, aquatic therapy, therapeutic exercises, office visits and patient reevaluation. 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 \$650.00** 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 therapeutic procedures, aquatic therapy, therapeutic exercises, office visits and patient reevaluation were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for therapeutic procedures, aquatic therapy, therapeutic exercises, office visits and patient reevaluation.

This Findings and Decision is hereby issued this 22<sup>nd</sup> day of 2004

Donna Auby  
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 07-01-03 through 08-08-03 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 22<sup>nd</sup> day of June 2004.

Roy Lewis, Supervisor  
Medical Dispute Resolution  
Medical Review Division

RL/da

## NOTICE OF INDEPENDENT REVIEW DECISION

June 10, 2004

MDR Tracking #: M5-04-2251-01  
IRO Certificate #: IRO4326

The \_\_\_ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to \_\_\_ for independent review in accordance with TWCC §133.308, which allows for medical dispute resolution by an IRO.

\_\_\_ has performed an independent review of the rendered care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a \_\_\_ physician reviewer who is board certified in orthopedic surgery which is the same specialty as the treating physician, provides health care to injured workers, and licensed by the Texas State Board of Medical Examiners in \_\_\_. The \_\_\_ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians 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 this case.

### Clinical History

This patient sustained a work-related injury on \_\_\_ when he slipped from a ladder while cleaning a high window. The patient landed on his right leg causing him to fracture his right knee and left ankle as well as causing injury to his low back. The patient underwent an open reduction and internal fixation of the left ankle fracture and right tibia fracture. As part of the patient rehabilitation, the patient was treated at \_\_\_ from 07/01/03 through 08/08/03.

### Requested Service(s)

Therapeutic procedure, aquatic therapy, therapeutic exercises, office visits, and patient reevaluation billed from 07/01/03 through 08/08/03.

### Decision

It is determined that the therapeutic procedure, aquatic therapy, therapeutic exercises, office visits, and patient reevaluation billed from 07/01/03 through 08/08/03 were medically necessary to treat this patient's condition.

### Rationale/Basis for Decision

The patient's continued need for increase in range of motion was secondary to the fracture of the right knee and left ankle.

Therapy provided from July 1, 2003 to August 8, 2003 did show some improvement. The patient has had adequate vigorous treatment of the lower extremities. The patient is now stable and the therapy was appropriate.

Sincerely,