

MDR Tracking Number: M5-04-2375-01

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 March 30, 2004.

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 \$460.00** 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 work hardening program, and functional capacity exam were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for the above listed services.

This Findings and Decision is hereby issued this 8th day of July 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 06-26-03 through 07-25-03 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 8th day of July 2004.

Roy Lewis, Supervisor
Medical Dispute Resolution Officer
Medical Review Division

PR/pr

June 11, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

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___ 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 who is familiar with the with the condition and treatment options at issue in this appeal. 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 female who sustained a work related injury on ____. The patient reported that while at work she slipped and fell injuring both her knees. A MRI of the left knee performed on 11/27/02 indicated a partial thickness tear, ligamentous strain, increased capillary flow and reparative change involving the intermediate zone of the posterior branch of the anterior cruciate, patellar edema, and meniscocapsular strain involving the posterior horn of the medial meniscus. An x-ray of the patient's right knee performed on 11/27/02 reported a negative right knee for patient's age, and an x-ray of the left knee performed 11/27/02 reported spurring of the tibial spines. The diagnoses for this patient have included sprain/strain of bilateral knees, contusion of knees, and other tear of cartilage or meniscus of knees. Treatment for this patient's condition has included active and passive therapies and participation in a work conditioning/hardening program.

Requested Services

Work hardening program, functional capacity exam from 6/26/03 through 7/25/03

Documents and/or information used by the reviewer to reach a decision:

Documents Submitted by Requestor:

1. Daily Notes 6/2/03 – 7/25/03
2. Work Hardening notes 6/6/03 – 7/25/03

Documents Submitted by Respondent:

1. Independent Review Organization Summary 5/5/04
2. MRI report 11/27/02
3. X-Ray report right/left knee 11/27/02

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 female who sustained a work related injury to both her knees on ____. The ___ chiropractor reviewer also noted that the diagnoses for this patient have included sprain/strain of bilateral knees, contusion of knees, and other tear of cartilage or meniscus of knees. The ___ chiropractor reviewer further noted that the treatment for this patient's condition has included active and passive therapies and participation in a work conditioning/hardening program. The ___ chiropractor reviewer indicated that the patient was at light medium work level prior to the work hardening program and had advanced to medium heavy afterwards. The ___ chiropractor reviewer noted that the patient had been evaluated by an independent doctor who found her to be responding to the work hardening program and recommended that the patient not be evaluated for maximum medical improvement until after completion of the program. The ___ chiropractor reviewer explained that the patient was deemed to be at maximum medical improvement on 8/28/03. The ___ chiropractor reviewer also explained that the patient continued to show positive objective findings throughout her treatment as evidenced by the FCEs. The ___ chiropractor reviewer explained that the patient improved physically and psychologically due to the work hardening program. The ___ chiropractor reviewer also explained that the four-hour program this patient participated in was appropriate for her condition. Therefore, the ___ chiropractor consultant concluded that the work hardening program, functional capacity exam from 6/26/03 through 7/25/03 were medically necessary to treat this patient's condition.

Sincerely,