

MDR Tracking Number: M5-05-0614-01

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 4-20-04.

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 medical disability exam and special reports were not medically necessary.

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 9-25-03 is denied and the Medical Review Division declines to issue an Order in this dispute.

This Decision and Order is hereby issued this 1st day of November 2004.

Medical Dispute Resolution Officer
Medical Review Division

DA/da

Enclosure: IRO decision

July 29, 2004

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

Patient:

TWCC #:

Old MDR Tracking #: M5-04-2604-01

New MDR Tracking #: **M5-05-0614-01**

IRO #: 5251

Ziroc 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 Ziroc for independent review in accordance with TWCC Rule 133.308 which allows for medical dispute resolution by an IRO.

Ziroc 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 Ziroc 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 Ziroc 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

This patient was injured on the job when she was working in a department store and a clothing rack fell on her foot on the right side. She was taken to the Mesquite Hospital for treatment. She later sought treatment from Mark Lanning, DC, for the foot injury. Treatment consisted initially of passive therapies and later went into active therapy for the treatment of the compensable injury. She attempted to undergo work hardening, but did not complete the program and she also underwent chronic pain management for depression and anxiety and did apparently get some relief from her symptoms. She underwent an impairment evaluation by designated doctor John Harney, MD on October 29, 2002 and he found her at MMI with a 1% impairment. MRI on this patient was negative for frank pathology and NCV/EMG was also normal. However, a report in the file from Arthur Speece, DO, indicates that the patient has acquired Complex Regional Pain Syndrome (formerly known as Reflex Sympathetic Dystrophy). He did perform a lumbar sympathetic block with osteopathic manipulation of the lumbar spine on January 30, 2003 and again on March 13, 2003. A peer review was performed by Troy Clark, DC and found the necessity for ongoing care was lacking. This review was answered by Brian Bullitt, DC, who was the treating doctor on this case at the time. The patient was evaluated for impairment a second time by Robert Wright, DC on September 26, 2003 and found to be at MMI with a 3% whole person impairment. The carrier's representative on this case answered the dispute by denying that this was a fee dispute and by stating that the service was redundant and unnecessary due to a prior designated doctor's evaluation.

DISPUTED SERVICES

Under dispute is the medical necessity of a work related exam and required reports.

DECISION

The reviewer agrees with the prior adverse determination.

BASIS FOR THE DECISION

The reviewer, while agreeing that there were dozens of dates of service after the finding of MMI, does not find that there is evidence to indicate that MMI was not attained as previously established by Dr. Harney. While treatment may certainly be reasonable on a case after MMI in some cases, there was very high utilization on this case from early on and the patient was diagnosed with areas that are not considered as a part of this injury. In looking at the foot injury itself, even if CRPS were part of the injury it is difficult to find any indication in the file that this condition prevented MMI at the earlier date. I also find no place in the file where the prior designated doctor had reversed his opinion of this case's MMI and I see no place where there was a re-examination by Dr. Harney. As a result, the reviewer is unable to find that this examination was reasonable. The patient had already been placed at MMI by a designated doctor appointed by the TWCC.

Ziroc has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. Ziroc has made no determinations regarding benefits available under the injured employee's policy

As an officer of ZRC Services, Inc, dba Ziroc, I certify that there is no known conflict between the reviewer, Ziroc and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

Ziroc is forwarding this finding by US Postal Service to the TWCC.

Sincerely,

Nan Cunningham
President/CEO

CC: Ziroc Medical Director