

MDR Tracking Number: M5-05-1224-01

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 12-21-04.

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 \$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 RX Lido 2% Bfz, Bextra 20 mg, Ultracet 37.5/325, Clyclobenzaprine 10 mg and Lidoderm 5% from 12-31-03 through 2-2-04 were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for the above listed services.

Pursuant to 413.019 of the Act, the Medical Review Division hereby ORDERS the respondent to pay for the unpaid medical fees in accordance with Medicare program reimbursement methodologies for dates of service after August 1, 2003 per Commission Rule 134.202(c); in accordance with Medicare program reimbursement methodologies for dates of service after August 1, 2003 per Commission Rule 134.202 (c)(6); plus all accrued interest due at the time of payment to the requestor within 20 days of receipt of this order. This Decision is applicable for dates of service 12-31-03 through 2-2-04 as outlined above 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 17th day of February 2005.

Donna Auby
Medical Dispute Resolution Officer
Medical Review Division
DA/da
Enclosure: IRO decision

Envoy Medical Systems, LP

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Fax 512/491-5145

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

February 11, 2005

Re: IRO Case # M5-05-1224-01

Texas Worker's Compensation Commission:

Envoy Medical Systems, LP (Envoy) has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IROs, TWCC assigned this case to Envoy for an independent review. Envoy has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, Envoy received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a physician who is Board Certified in Neurological Surgery, and who has met the requirements for TWCC Approved Doctor List or has been approved as an exception to the Approved Doctor List. He or she has signed a certification statement attesting 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 referral to Envoy for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The determination of the Envoy reviewer who reviewed this case, based on the medical records provided, is as follows:

Medical Information Reviewed

1. Table of disputed service
2. Explanation of benefits

3. Notes Dr. Rosenstein 1997 – 2004
4. Letter Dr. Rosenstein 7/9/04
- 5.

History

The patient is a 52-year old female who was injured in ___ and developed back, hip, and left lower extremity discomfort. In October 1995 a posterior lumbar interbody fusion was performed at the L4-5 level. Despite this, the patient has continued to have significant discomfort in the back and into the lower extremities, with nothing on subsequent follow-up examinations to suggest anything surgically correctable. The discomfort continues, helped significantly enough by the medications prescribed to allow her to continue full time work.

Requested Service(s)

RX Lido 2% Bfz, Bextra 20 mg, Ultracet 37.5/325, Cyclobenzaprine 10 mg, Lidoderm 5% 12/31/03 – 2/2/04

Decision

I disagree with the carrier's decision to deny the requested medications.

Rationale

Anti inflammatory medicine, plus fairly minor pain medication, along with muscle relaxants and the addition of medications on an as-needed basis, such as Lidoderm, are frequently necessary in dealing with the continuing discomfort from the chronic back problem that has developed.

This medical necessity decision by an Independent Review Organization is deemed to be a Commission decision and order.

Daniel Y. Chin, for GP