



MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION
Retrospective Medical Necessity

PART I: GENERAL INFORMATION

Type of Requestor: (X) Health Care Provider () Injured Employee () Insurance Carrier

Requestor's Name and Address:

Dr. Suhail Al-Sahli
1210A Nasa Rd. 1
Houston, Texas 77058

MDR Tracking No.: M5-06-0621-01

Claim No.:

Injured Employee's Name:

Respondent's Name and Address:

Virginia Surety Company Incorporated, Box 29

Date of Injury:

Employer's Name:

Insurance Carrier's No.:

PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Position summary states, "We have appealed to collect these charges from the insurance carrier, but the carrier has failed to provide us with proper explanation for not paying for these services. These are office visits and they are not required pre-authorization. Also, manipulation was provided to help the patient's condition."

Principle Documentation:

1. DWC-60/Table of Disputed Service
2. CMS-1500's
3. EOB's

PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Position summary (Table of Disputed Services) states, "Unnecessary treatment with peer review."

Principle Documentation:

1. DWC-60/Table of Disputed Service
2. Medical Records

PART IV: SUMMARY OF DISPUTE AND FINDINGS - Medical Necessity Services

Date(s) of Service	CPT Code(s) or Description	Medically Necessary?	Additional Amount Due (if any)
3-11-05 – 4-27-05	98940 (\$32.84<MAR x 17 units)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$558.28
3-11-05 – 4-27-05	97110 (\$35.91<MAR x 58 units)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$2,082.78
3-11-05 – 4-27-05	99213 (\$65.21<MAR x 17 DOS)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$1,108.57
3-11-05 – 4-27-05	97112 (\$36.69<MAR x 19 units)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$697.11
3-11-05 – 4-27-05	98941, 97124	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$0.00
	Grand total		\$4,446.74

PART V: MEDICAL DISPUTE RESOLUTION REVIEW SUMMARY, METHODOLOGY, AND/OR EXPLANATION

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code and Division Rule 133.308 (relating to Medical Dispute Resolution by Independent Review Organization), Medical Dispute Resolution assigned an Independent Review Organization (IRO) to conduct a review of the medical necessity

issues between the Requestor and Respondent.

The Division has reviewed the enclosed IRO decision and determined that the Requestor did prevail on the disputed medical necessity issues. Per Rule 134.202(d)(2) the amount due the Requestor for the items denied for medical necessity is \$4,446.74.

PART VI: GENERAL PAYMENT POLICIES/REFERENCES IMPACTING DECISION

28 Texas Administrative Code Sec. 133.308, 134.1, 134.202
Texas Labor Code Sec. § 413.011(a-d), 413.031

PART VII: DIVISION DECISION

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code, Sec. 413.031, the carrier must refund the amount of the IRO fee (\$460.00) to the Requestor within 30 days of receipt of this order. The Division has determined that the Requestor is entitled to additional reimbursement in the amount of \$4,446.74. The Division hereby **ORDERS** the Respondent to remit this amount plus all accrued interest due at the time of payment to the Requestor within 30 days of receipt of this Order.

Findings and Decision and Order by:

Medical Dispute Officer

10-02-06

Authorized Signature

Typed Name

Date of Order

PART VIII: YOUR RIGHT TO REQUEST JUDICIAL REVIEW

Appeals of medical dispute resolution decisions and orders are procedurally made directly to a district court in Travis County [see Texas Labor Code, Sec. 413.031(k), as amended and effective Sept. 1, 2005]. An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. The Division is not considered a party to the appeal.

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.

IRO America Inc.

An Independent Review Organization
7626 Parkview Circle
Austin, TX 78731
Phone: 512-346-5040
Fax: 512-692-2924

September 13, 2006

TDI-DWC Medical Dispute Resolution
Fax: (512) 804-4868

Patient:
TDI-DWC #:
MDR Tracking #:

M5-06-0621-01

IRO America Inc. (IRO America) has been certified by the Texas Department of Insurance as an Independent Review Organization. The TDI, Division of Workers' Compensation (DWC) has assigned this case to IRO America for independent review in accordance with DWC Rule 133.308 which allows for medical dispute resolution by an IRO.

IRO America has performed an independent review of the proposed care 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; the Reviewer is a credentialed Panel Member of IRO America's Medical Knowledge Panel who is a licensed Provider, board certified and specialized in Chiropractic Care. The reviewer is on the DWC Approved Doctor List (ADL).

The IRO America Panel Member/Reviewer is a health care professional who has signed a certification statement stating that no known conflicts of interest exist between the Reviewer and the injured employee, the injured employee's employer, the injured employee's insurance carrier, the utilization review agent, or any of the treating doctors or insurance carriers health care providers who reviewed the case for decision before referral to IRO America for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

RECORDS REVIEWED

Notification of IRO Assignment, records from the Requestor, Respondent, and Treating Doctor(s), including but not limited to: explanation of reviews, patient daily notes from NBC Healthcare Center, notes from Suhail S Al-Sahli DC, notes from Rezik A Saqer MD, Lumbar ESI surgical notes, lower extremity NCV/ EMG/ SSEP/ DSEP, Lumbar MRI, peer review from Mark Carlson DC, notes from Charles Crane MD.

CLINICAL HISTORY

This Patient was injured on ___ while performing his job related duties. The Patient stated he was lifting sacks of sheet rock material weighing approximately 50lbs when he felt a sharp pain, severe pain in his low back, radiating into his hips bilaterally and down into his knees.

DISPUTED SERVICE(S)

Under dispute is the retrospective medical necessity of 98940, 98941- Chiropractic Manipulative Therapy; 97110 - Therapeutic Exercise; 97124- Massage; 99213 - Office Visit; 97112 – Neuromuscular Re-education for dates of service 3/11/2005 through 4/27/2005.

DETERMINATION/DECISION

The Reviewer partially agrees with the determination of the insurance carrier in this case. The Reviewer agrees with the insurance carrier on the following: 98941-Chiropractic manipulative therapy, 97124-Massage; the Reviewer disagrees with insurance carrier on the following: 98940-Chiropractic Manipulative Therapy, 97110-Therapeutic Exercise, 99213-office visit, 97112-neuromuscular re-education.

RATIONALE/BASIS FOR THE DECISION

Based on the *Texas Guidelines for Chiropractic Quality Assurance and Practice Parameters*, the mechanism of injury and the records provided, the 98941 CMT and 97124 massage is not reasonable or necessary due to the Lumbar area being the only compensable body part and the 98941 code is associated with 3-4 area being manipulated. Massage would only benefit a sprain/ strain of the soft tissue and would have resolved within 4-12 weeks of the injury. However, the 98940 code of manipulation of 1-2 areas is considered reasonable and necessary. Also, active rehab such as 97110-therapeutic exercise and 97112-neuromuscular re-education would be considered reasonable and necessary to return the Patient as close to a pre-accident status as possible and to prevent re-injury. An office code or re-evaluation code of 99213 is necessary to measure the progress of the Patient and to make any necessary changes along the way. .

Screening Criteria

1. Specific:

- Texas Guidelines for Chiropractic Quality Assurance and Practice Parameters

2. General:

In making his determination, the Reviewer had reviewed medically acceptable screening criteria relevant to the case, which may include but is not limited to any of the following: Evidence Based Medicine Guidelines (Helsinki, Finland); Texas

Medical Foundation: Screening Criteria Manual (Austin, Texas); Texas Chiropractic Association: Texas Guidelines to Quality Assurance (Austin Texas); Texas Medical Foundation: Screening Criteria Manual (Austin, Texas); Mercy Center Guidelines of Quality Assurance; any and all guidelines issued by DWC or other State of Texas Agencies; standards contained in Medicare Coverage Database; ACOEM Guidelines; peer-reviewed literate and scientific studies that meet nationally recognized standards; standard references compendia; and findings; studies conducted under the auspices of federal government agencies and research institutes; the findings of any national board recognized by the National Institutes of Health; peer reviewed abstracts submitted for presentation at major medical associates meetings; any other recognized authorities and systems of evaluation that are relevant.

CERTIFICATION BY OFFICER

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

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

IRO America is forwarding by facsimile, a copy of this finding to the DWC.

Sincerely,

IRO America Inc.



Dr. Roger Glenn Brown

President & Chief Resolutions Officer

Your Right To Appeal

If you are unhappy with all or part of this decision, you have the right to appeal the decision. The decision of the Independent Review Organization is binding during the appeal process.

If you are disputing the decision (other than a spinal surgery prospective decision), the appeal must be made directly to a district court in Travis County (see Texas Labor Code §413.031). An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. If you are disputing a spinal surgery prospective decision, a request for a hearing must be in writing and it must be received by the Division of Workers' Compensation, Chief Clerk of Proceedings, within ten (10) days of your receipt of this decision.

The party appealing this decision shall deliver a copy of its written request for a hearing to other party involved in this dispute.

I hereby certify, in accordance with DWC Rule 102.4 (h), that a copy of this Independent Review Organization decision was sent to DWC via facsimile, on this 13th day of September, 2006.

Sincerely,

IRO America Inc.



Dr. Roger Glenn Brown

President & Chief Resolutions Officer

Name and Signature of IRO America Representative: