



Texas Department of Insurance, Division of Workers' Compensation
 7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1609

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: Behavioral Healthcare Associates 2450 Fondren Suite 312 Houston, Texas 77063	MDR Tracking No.: M5-06-0765-01
	Claim No.:
	Injured Employee's Name:
Respondent's Name and Address: American Casualty Company of Reading, Box 47	Date of Injury:
	Employer's Name:
	Insurance Carrier's No.:

PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Documents include the DWC 60 package. Position summary states, "The injured worker has been referred by the treating physician for an evaluation to assist the patient with coping mechanisms."

PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Documents include the DWC 60 response.

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)
12-20-04	CPT code 90801	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$192.59

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. The amount due the requestor for the items denied for medical necessity is \$192.59.

In a letter dated 1-25-06 the requestor withdrew CPT code 90889. This service will not be a part of this review.

PART VI: GENERAL PAYMENT POLICIES/REFERENCES IMPACTING DECISION

28 Texas Administrative Code Sec. 133.308 and 134.202(c)(1).

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 \$192.59. The Division hereby **ORDERS** the insurance carrier 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:

Donna Auby

2-22-06

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.

NOTICE OF INDEPENDENT REVIEW DECISION

February 17, 2006

Program Administrator
Medical Review Division
Division of Workers Compensation
7551 Metro Center Drive, Suite 100, MS 48
Austin, TX 78744-1609

RE: Claim #:
Injured Worker:
MDR Tracking #: M5-06-0765-01
IRO Certificate #: IRO4326

TMF Health Quality Institute (TMF) has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Division of Workers' Compensation (DWC) has assigned the above referenced case to TMF for independent review in accordance with DWC Rule §133.308 which allows for medical dispute resolution by an IRO.

TMF 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 matched peer with the treating health care professional. This case was reviewed by a health care professional licensed in Chiropractic Medicine. The TMF physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and the provider, 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 carrier health care providers who reviewed the case for decision before referral to the IRO. 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 _____. She was lifting a panel when she felt a sudden severe pain in her lower back that traveled down her right leg with numbness and burning. The patient was treated with a comprehensive passive and active treatment program including medication, chiropractic adjustments, physical therapy, and lumbar epidural steroid injections.

Requested Service(s)

Psychiatric diagnostic interview

Decision

It is determined that the psychiatric diagnostic interview was medically necessary to treat this patient's condition.

Rationale/Basis for Decision

This patient continued to experience ongoing problems and her treating doctor referred her for a clinical interview and psychological assessment because he suspected that her combination of pain (over six months in duration) and emotional symptoms made her a candidate for a multidisciplinary chronic pain management program. The psychiatric diagnostic interview was performed on 12/20/2004. As a result of this interview it was determined that the patient had responded well to treatment and due to the lack of psychological distress or symptoms, she was not a candidate for a pain management program. She was placed at MMI on 01/04/2005 with a 10% impairment rating. National treatment guidelines allow for a psychiatric diagnostic interview in cases of this nature. There is sufficient documentation to clinically justify a psychiatric diagnostic interview in this case and it was medically necessary to treat this patient's condition.

This decision by the IRO is deemed to be a DWC decision and order.

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.

Sincerely,

A handwritten signature in black ink that reads "Gordon B. Strom, Jr." in a cursive style.

Gordon B. Strom, Jr., MD
Director of Medical Assessment

GBS:dm

Attachment

Information Submitted to TMF for Review

Patient Name: ____

Tracking #: M5-06-0765-01

Information Submitted by Requestor:

- Position Letter
- Table of disputed services
- Letter from Dr. Pearlman
- Behavioral Medicine Assessment

Information Submitted by Respondent:

- Letter from Attorney
- Peer review
- Report of Required Medical Examination
- Notice of Disputed Issue
- Report of MRI results
- Daily SOAP notes
- Initial patient consultations
- MRI report
- Functional capacity examination
- Nerve Conduction Study
- Prescription for NMES muscle stimulator
- Follow up office notes
- Operative Report
- Letter of medical necessity
- Progressive Exercise Notes
- Designated Doctor Report
- Behavioral Medicine Assessment