

II. Findings of Fact

1. On ____, ____ (Claimant) sustained a work-related injury to his right hand as a result of his work activities.
2. On the date of his injury, Claimant's employer was ____, and its workers' compensation insurance carrier was Valley Forge Insurance Company (Carrier).
3. As a result of the compensable injury, Claimant suffered pain, numbness, and tingling in his right wrist and hand. Claimant was diagnosed with right carpal tunnel syndrome and right ulnar neuropathy.
4. On March 14, 2003, Claimant underwent a carpal tunnel release and ulnar nerve transposition. From this, Claimant developed persistent pain in his right arm with hypersensitivity.
5. Since the compensable injury, Claimant has been treated in a pain management program with stellate ganglion blocks, medications, and extensive therapy with chiropractic modalities.
6. From July 14, 2003, through December 10, 2003, Tarrant County Chiropractic and Rehabilitation (Provider or Tarrant County Chiropractic) provided the following medical services to Claimant: office visits, therapeutic exercises, neuromuscular reeducation, joint mobilization, myofascial release, and manual therapy techniques.
7. Provider sought reimbursement from Carrier for the provided medical services.
8. Carrier denied the requested reimbursement as medically unnecessary treatment.
9. On July 6, 2004, Provider filed a request for medical dispute resolution with the Texas Workers' Compensation Commission (TWCC).
10. An independent review organization (IRO) reviewed the medical dispute and found that the services Tarrant County Chiropractic provided Claimant from July 14, 2003, through December 10, 2003, were medically unnecessary.
11. Provider withdrew the following dates of service from consideration for reimbursement: July 21- July 22, 2003; July 25, 2003; and November 27, 2003.
12. Based on the IRO's findings, TWCC's Medical Review Division (MRD) found that the medical services provided by Tarrant County Chiropractic and considered by the IRO were medically unnecessary and thus denied Provider's request for reimbursement for those services.

13. After the MRD order was issued, Provider requested a contested-case hearing by a State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ).
14. Notice of a contested-case hearing concerning the dispute was mailed on December 16, 2004, to Carrier and Provider. The notice informed the parties of the time, place, and nature of the hearing; the legal authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and the matters to be considered.
15. On August 18, 2005, Provider filed a motion for continuance of the hearing scheduled for that day, asserting that its representative was unavailable. Provider had earlier failed to request to appear by telephone and had not filed any documents to present as evidence at the hearing. The ALJ denied the motion for continuance.
16. On August 18, 2005, Carol Wood, a SOAH ALJ, held a contested-case hearing concerning the dispute at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas. The hearing concluded, but the record remained open until August 19, 2005, to receive proposed findings of fact and conclusions of law from Carrier.
17. Tarrant County Chiropractic did not appear at the hearing.
18. Carrier appeared at the hearing through its attorney, H. Douglas Pruett.
19. Provider failed to present any evidence in support of its case, and the record is devoid of any evidence indicating that the treatments in issue were medically necessary for Claimant's compensable injury.

III. Conclusions of Law

1. SOAH has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a decision and order, pursuant to TEX. LABOR CODE ANN. (Labor Code) §§ 402.073(b) and 413.031(k) (Vernon Supp. 2004-2005) and TEX. GOV'T CODE ANN. (Gov't Code) ch. 2003 (Vernon 2000).
2. Adequate and timely notice of the hearing was provided in accordance with Gov't Code §§ 2001.051 and 2001.052.
3. Based on the above Findings of Fact and Gov't Code § 2003.050 (a) and (b), 1 TEX. ADMIN. CODE (TAC) § 155.41(b) (2005), and 28 TAC §§ 133.308(v) and 148.14(a) (2005), Provider has the burden of proof in this case.

4. An employee who sustains a compensable injury is entitled to all health care reasonably required by the nature of the injury as and when needed that cures or relieves the effects naturally resulting from the compensable injury, promotes recovery, or enhances the ability of the employee to return to or retain employment. Labor Code § 408.021 (a) (Vernon 1996).
5. Provider has not shown by a preponderance of the evidence that the treatments in issue were medically necessary for Claimant's compensable injury.
6. Based on the above Findings of Fact and Conclusions of Law, Carrier is not required to reimburse Tarrant County Chiropractic for the services it provided Claimant from July 14, 2003, through December 10, 2003.

ORDER

THEREFORE, IT IS ORDERED that Tarrant County Chiropractic and Rehabilitation shall not be reimbursed by Valley Forge Insurance Company for the office visits, therapeutic exercises, neuromuscular reeducation, joint mobilization, myofascial release, and manual therapy techniques that Tarrant County Chiropractic and Rehabilitation provided Claimant from July 14, 2003, through December 10, 2003.

SIGNED September 15, 2005.

**CAROL WOOD
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**