

Texas Department of Insurance  
Division of Workers' Compensation



Lumbar Spine Magnetic Resonance  
Imaging (MRI)  
Plan-Based Audit

November 20, 2017

## **Section I: General Statement and Overview**

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is required by Texas Labor Code §413.002 to "monitor health care providers, insurance carriers, independent review organizations, and workers' compensation claimants who receive medical services to ensure the compliance of those persons with rules adopted by the Commissioner relating to health care, including medical policies and fee guidelines." Furthermore, Texas Labor Code §413.0512 allows the Medical Quality Review Panel (MQRP) to recommend to the medical advisor appropriate action regarding doctors, other health care providers, insurance carriers, utilization review agents, and independent review organizations.

The TDI-DWC will manage the medical quality review process in a manner that is fair to all workers' compensation system participants, open, and transparent to the extent consistent with state confidentiality laws, and provide the subject of a review the opportunity to participate throughout the Medical Quality Review Process. Medical quality reviews aid TDI-DWC in monitoring compliance with the Texas Workers' Compensation Act and TDI-DWC rules, help ensure that injured employees in the workers' compensation system receive medically necessary and appropriate health care that is timely and cost-effective, and facilitate functional recovery and appropriate return-to-work outcomes. Per Texas Labor Code §408.023(l)(3) the division shall collect information regarding cost and utilization of health care provided or authorized by a treating doctor on the list of approved doctors.

Per Texas Labor Code §408.023(l), the injured employee's treating doctor is responsible for the efficient management of medical care as required by Section 408.025(c) and TDI-DWC rules. Furthermore, healthcare providers shall provide treatment in accordance with the current edition of the *Official Disability Guidelines (ODG)*, the adopted treatment guidelines pursuant to 28 Texas Administrative Code (TAC) §137.100.

## **Section II: Purpose for Plan-Based Audit**

- Promote the delivery of health care that is cost-effective and serve the goals of all participants in the workers' compensation system.
- Evaluate the appropriateness of a doctor's decision and recordkeeping that supports the ordering of lumbar spine magnetic resonance image (MRI) prior to one month of conservative therapy.

## **Section III: Scope and Methodology for Plan-Based Audit**

- Indications for ordering lumbar spine MRI will be identified by the criteria established in the *ODG* for treatment (2015-2017), including Appendix D - documenting exceptions to the Guidelines.
- *ODG* does not recommend MRI for uncomplicated low back pain, with radiculopathy, until after at least one month of conservative therapy unless symptoms of a severe or progressive neurologic deficit were present.
- The request for medical records will offer doctors an opportunity to provide documentation to support the appropriateness for ordering MRI before at least one month of conservative

therapy.

## **Section IV: Selection Criteria for Plan-Based Audit**

- Time frame to select data:
  - Lumbar spine MRIs (with, without, and without contrast followed by contrast) performed prior to 30 days from the date of injury for the period of July 1, 2015 through June 30, 2017.
- Exclusion:
  - MRIs performed for injured employees identified as having prior back surgery.
  - MRIs performed in emergency rooms or inpatient hospital stays.
- Subject Selection:
  - Select 10 practitioners who ordered the highest number of lumbar spine MRIs prior to 30 days from the date of injury from July 1, 2015 through June 30, 2017.
- Case Selection:
  - Select no more than 10 cases where an injured employee had a lumbar spine MRI prior to 30 days from the date of injury, excluding place of service at an inpatient hospital or emergency room.
  - Select cases where prior lumbar back surgery are absent.

## **Section V: Roles and Responsibilities**

Information Management Services (IMS), Division of Workers' Compensation

- Provides a list of practitioners who performed MRIs based on the scope, methodology, and selection criteria.
- Selects the subjects and case files for medical quality review based on selection criteria.

Health Care Quality Review (HCQR), Division of Workers' Compensation

- Notifies subjects chosen for medical quality review and requests documents.
- Requests from IMS another subject or case if the nurse investigator verifies in writing that a subject or case was not selected in accordance with the approved plan-based audit criteria.
- Selects MQRP members to perform a review in accordance with Texas Labor Code §§408.0043, 408.0044, and 408.0045 and 28 TAC §§180.22, 180.66, and 180.68.
- Provides an executive summary to the Commissioner of Workers' Compensation upon conclusion of the Plan-Based Audit.

Medical Advisor, Division of Workers' Compensation

- Develops questions for the MQRP experts. The questions will be approved by all undersigned parties prior to any records being sent to the MQRP experts.

## **Section VI: Conflicts**

This MRI Plan-Based Audit incorporates the approved Medical Quality Review Process in effect. However, if a specific conflict exists between this Plan-Based Audit and the Medical Quality Review Procedure, this Plan-Based Audit prevails.

DRAFT

## Section VII: Approvals

**This Lumbar Spine MRI Plan-Based Audit is respectfully submitted by:**

Patrick Palmer, M.D.  
*Medical Advisor*

Date

**This Lumbar Spine MRI Plan-Based Audit is respectfully approved by:**

W. Ryan Brannan  
*Commissioner of Workers' Compensation*

Date

DRAFT