

## **MEDICAL CONTESTED CASE HEARING NO 23001**

### **DECISION AND ORDER**

Claimant appealed the decision of the Independent Review Organization in Case Number (IRO Case Number).

The hearing for this appeal was held on December 14, 2022, with the record closing on January 9, 2023. For the reasons discussed below, the Administrative Law Judge determines that Claimant is not entitled to the medication ALPRAZOLAM XR for the compensable injury of (Date of Injury).

### **ISSUE**

At the hearing, Pamela G. Delgado, an Administrative Law Judge, considered the following unresolved issue:

Is the Claimant is entitled to the medication ALPRAZOLAM XR for the compensable injury of (Date of Injury)?

### **PERSONS PRESENT**

Claimant did not appear at the contested case hearing, and he did not respond in writing to DWC's 10-day letter. Insurance Carrier appeared and was represented by KH.

### **EVIDENCE PRESENTED**

No witnesses testified.

The following exhibits were admitted into evidence:

Administrative Law Judge's Exhibits:ALJ-1 through ALJ-3<sup>1</sup>

Claimant's Exhibits: None

Insurance Carrier's Exhibits: CR-A through CR-I

### **DISCUSSION**

Although properly notified, Claimant failed to appear for the contested case hearing scheduled for December 14, 2022. On December 14, 2022. DWC mailed Claimant a letter

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<sup>1</sup> Insurance Carrier was asked to confirm the Insurance Carrier Information Sheet. ALJ-3 is the email correspondence.

advising him that the hearing was held without him. This letter also advised Claimant that this hearing may be rescheduled upon his request if he timely responded in writing and established good cause for his failure to appear. Claimant did not respond in writing to DWC's letter, and the record was closed on January 9, 2023.

On (Date of Injury), Claimant sustained a compensable injury while working for Employer. According to the records, Claimant injured his left foot and ankle. He was also diagnosed with an anxiety disorder following the injury. Claimant was prescribed alprazolam, but the IRO has denied the continuation of that medication.

Texas Labor Code §408.021 provides that 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. The term "health care reasonably required" means health care that is clinically appropriate and considered effective for the injured employee's injury and provided in accordance with best practices consistent with evidence-based medicine or if that evidence is not available, generally accepted standards of medical practice recognized in the medical community. See Texas Labor Code §401.011 (22-a). Evidence-based medicine is further defined in Texas Labor Code §401.011(18-a) as the use of current best quality scientific and medical evidence formulated from credible scientific studies, including peer-reviewed medical literature and other current scientifically based texts, and treatment and practice guidelines in making decisions about the care of individual patients.

In accordance with the above statutory guidance, the Division of Workers' Compensation has adopted treatment guidelines by Division Rule 137.100. This Rule directs health care providers to provide treatment in accordance with the current edition of the Official Disability Guidelines (ODG), and such treatment is presumed to be health care reasonably required as defined in the Texas Labor Code. Thus, the focus of any health care dispute starts with the health care set out in the ODO. Also, in accordance with Division Rule 133.308(s):

A decision issued by an IRO is not considered an agency decision and neither the department nor the division are considered parties to an appeal. In a division Contested Case Hearing (CCH), the party appealing the IRO decision has the burden of overcoming the decision issued by an IRO by a preponderance of evidence-based medical evidence.

In this case, Claimant has failed to present any evidence to contradict the decision of the IRO. Claimant's evidence was not persuasive to overcome the IRO determination.

The Administrative Law Judge considered all of the evidence admitted. The Findings of Fact and Conclusions of Law are based on an assessment of all of the evidence whether or not the evidence is specifically discussed in this Decision and Order.

### **FINDINGS OF FACT**

1. Insurance Carrier stipulated to the following facts:
  - A. Venue is proper in the (City) Field Office of the Texas Department of Insurance, Division of Workers' Compensation.
  - B. On (Date of Injury), Claimant was an employee of (Employer), Employer.
  - C. On (Date of Injury), Employer provided workers' compensation insurance coverage through Hartford Insurance Co. of Midwest, Insurance Carrier.
  - D. Claimant sustained a compensable injury on (Date of Injury).
  - E. The IRO determined that the medication ALPRAZOLAM XR was not medically necessary for the compensable injury of (Date of Injury).
2. DWC sent a single document stating the true corporate name of Insurance Carrier and the name and street address of Insurance Carrier's registered agent for service with the 10-day letter to Claimant at his address of record. These documents were admitted into evidence.
3. Claimant did not appear at the contested case hearing scheduled for December 14, 2022.
4. DWC sent Claimant a 10-day letter on December 14, 2022, and Claimant did not respond in writing to that letter.
5. Claimant did not have good cause for failing to appear at the contested case hearing.
6. Claimant failed to present evidence-based medical evidence sufficient to overcome the determination of the IRO.
7. The preponderance of the evidence is not contrary to the decision of the IRO that the medication ALPRAZOLAM XR was not medically necessary for the compensable injury of (Date of Injury).

## CONCLUSIONS OF LAW

1. The Texas Department of Insurance, DWC, has jurisdiction to hear this case.
2. Venue is proper in the (City) Field Office of the Texas Department of Insurance, DWC.
3. Claimant is not entitled to the medication ALPRAZOLAM XR for the compensable injury of (Date of Injury).

## ORDER

Insurance Carrier is not liable for the benefits at issue in this hearing. Claimant remains entitled to medical benefits for the compensable injury in accordance with §408.021.

The true corporate name of the insurance carrier is **HARTFORD INSURANCE CO. OF MIDWEST**, and the name and address of its registered agent for service of process is:

**CT CORPORATION SYSTEM  
1999 BRYAN STREET SUITE 900  
DALLAS, TX 75201-3136**

Signed this 10<sup>th</sup> day of January 2023.

Pamela G. Delgado  
Administrative Law Judge