

MEDICAL CONTESTED CASE HEARING NO 23005

Decision

For the reasons discussed, the administrative law judge determines that:

The preponderance of the evidence is not contrary to the Independent Review Organization's determination that the claimant is not entitled to L4-L5 laminectomy with left L5-S1 microdiscectomy for the compensable injury of (Date of Injury).

Statement of the Case

Judge Britt Clark held a hearing on March 29, 2023, to decide the following:

Is the preponderance of the evidence contrary to the Independent Review Organization's determination that the claimant is not entitled to L4-L5 laminectomy with left L5-S1 microdiscectomy for the compensable injury of (Date of Injury)?

Persons Present

The claimant appeared and was assisted by DM, ombudsman. The insurance carrier appeared and was represented by JF, attorney.

Evidence Presented

The following witnesses testified:

For the claimant: The claimant

For the insurance carrier: None

The judge admitted the following exhibits into evidence:

Judge's Exhibit: ALJ-1

Claimant's Exhibits: C-1 through C-9

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

The claimant affirmed there were 163 pages of Claimant's Exhibits. The insurance carrier affirmed there were 31 pages of Insurance Carrier's Exhibits.

Discussion

This case involves a medical dispute concerning an Independent Review Organization's determination regarding an L4-L5 laminectomy with left L5-S1 microdiscectomy. The Independent Review Organization determined that the surgery being proposed was not medically necessary. The claimant disagreed with this determination, relying on his medical records and testimony. The insurance carrier contended that there was insufficient evidence to overcome the determination of the Independent Review Organization's determination.

After review of the evidence, it is determined that the claimant failed to meet his burden of proof. The claimant did not show that the preponderance of the evidence is contrary to the determination of the Independent Review Organization. Specifically, the Official Disability Guidelines require imaging studies that show nerve root compression, lateral disc rupture, or lateral recess stenosis. The imaging studies, including the MRI of the lumbar spine, did not contain these findings, a fact relied upon by the Independent Review Organization's reviewer.

The claimant testified that multiple medical professionals have recommended that he have surgery. However, the medical evidence that he provided did not show sufficient medical evidence to meet the requirements of the Official Disability Guidelines for the procedures his surgeon wants to perform. Furthermore, the medical evidence did not provide other evidence-based medical evidence to support that the treatment requested is medically necessary. For these reasons, the determination of the Independent Review Organization is upheld.

The judge considered all the evidence admitted and based their findings of fact and conclusions of law on the evidence, even if the judge did not specifically discuss all the evidence.

Findings of Fact

1. The parties stipulated to the following facts:
 - A. The (City) field office is the proper location for the hearing.

- B. On (Date of Injury), the claimant was an employee of (Employer)
 - C. On (Date of Injury), the employer provided workers' compensation insurance with Old Republic Insurance Company.
 - D. On (Date of Injury), the claimant sustained a compensable injury.
2. The insurance carrier delivered to the claimant a document stating the true corporate name of the insurance carrier, the name of the insurance carrier's registered agent, and the registered agent's street address, which was admitted into evidence.
 3. The preponderance of the evidence was not contrary to the Independent Review Organization reviewer's finding that the request for L4-L5 laminectomy with left L5-S1 microdiscectomy was not medically necessary pursuant to the Official Disability Guidelines.

Conclusions of Law

1. The Texas Department of Insurance, Division of Workers' Compensation has jurisdiction to hear this case.
2. Venue is proper in the (City) field office.
3. The preponderance of the evidence is not contrary to the Independent Review Organization's determination that the claimant is not entitled to L4-L5 laminectomy with left L5-S1 microdiscectomy for the compensable injury of (Date of Injury).

Order

The insurance carrier is not liable for the benefits at issue in this decision. The claimant remains entitled to medical benefits for the compensable injury.

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY**, and the name and address of its registered agent for service of process is:

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TX 78701**

Signed on March 30, 2023.

Britt Clark
Administrative Law Judge