

## **MEDICAL CONTESTED CASE HEARING NO 24001**

### **Decision**

For the reasons discussed, the administrative law judge determines:

The preponderance of the evidence is not contrary to the decision of the Independent Review Organization that the claimant is not entitled to a trigger point injection in the right shoulder for the compensable injury of (Date of Injury).

### **Statement of the Case**

On March 25, 2024, a medical contested case hearing was held to decide the following disputed issue:

Is the preponderance of the evidence contrary to the decision of the Independent Review Organization that the claimant is not entitled to a trigger point injection in the right shoulder for the compensable injury of (Date of Injury)?

### **Persons Present**

The claimant appeared and was assisted by CT, ombudsman. The insurance carrier appeared and was assisted by JF, attorney. TT was an observer.

### **Evidence Presented**

The following witnesses testified:

For the claimant: The claimant

For the insurance carrier: No one

The judge admitted the following exhibits into evidence:

Judge's Exhibits: ALJ-1 and ALJ-2

Claimant's Exhibits: C-1 through C-8

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

The claimant affirmed there were 70 pages of Claimant's Exhibits<sup>1</sup>. The insurance carrier affirmed there were 63 pages of Insurance Carrier's Exhibits.

### **Discussion**

Texas Labor Code Section 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. Health care reasonably required is further defined in Texas Labor Code Section 401.011(22a) as 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 evidence-based medicine is not available, then the generally accepted standards of medical practice recognized in the medical community. Evidence-based medicine is further defined in Texas Labor Code Section 401.011(18a) to be the use of the 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. The commissioner of the Division of Workers' Compensation is required to adopt treatment guidelines that are evidence-based, scientifically valid, outcome-focused, and designed to reduce excessive or inappropriate medical care while safeguarding necessary medical care. Texas Labor Code Section 413.011(e).

Division Rule 137.100 directs health care providers to provide treatment in accordance with the current edition of the Official Disability Guidelines, 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 Official Disability Guidelines. In a Contested Case Hearing, the party appealing the Independent Review Organization's decision has the burden of overcoming the decision issued by the Independent Review Organization by a preponderance of the evidence- based medical evidence.

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<sup>1</sup> The claimant submitted one set of exhibits for consideration in Sequences 10 and 11.

In this case, the Independent Review Organization determined a trigger point injection in the right shoulder was not medically necessary. The claimant did not present persuasive evidence to overcome the decision issued by the Independent Review Organization by a preponderance of evidence-based medical evidence.

The judge considered all the evidence admitted and based the 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), which provided workers' compensation insurance through self-insurance.
  - C. On (Date of Injury), the claimant sustained a compensable injury.
  - D. The Independent Review Organization determined the claimant should not have a trigger point injection in the right shoulder.
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. A trigger point injection in the right shoulder is not health care reasonably required for the compensable injury of (Date of Injury).

### **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 decision of the

Independent Review Organization that the claimant is not entitled to a trigger point injection in the right shoulder for the compensable injury of (Date of Injury).

**Order**

The insurance carrier is not liable for the benefits at issue in this hearing. The claimant remains entitled to medical benefits for the compensable injury in accordance with Texas Labor Code Section 408.021.

The true corporate name of the insurance carrier is **(SELF-INSURED)**, and the name and address of its registered agent for service of process is:

**CT CORPORATION SYSTEM  
350 NORTH SAINT PAUL  
DALLAS, TEXAS 75201**

Signed on March 27, 2024.

Amanda Barlow  
Administrative Law Judge