

MEDICAL CONTESTED CASE HEARING NO 24004

Decision

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

The preponderance of the evidence is not contrary to the decision of the Independent Review Organization that the claimant is not entitled to Sildenafil Tab 100 MG QTY 90 and Tamsulosin Cap 0.4 MG QTY 90 for the compensable injury of (Date of Injury).

Statement of the Case

A contested case hearing was held on May 23, 2024, 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 Sildenafil Tab 100 MG QTY 90 and Tamsulosin Cap 0.4 MG QTY 90 for the compensable injury of (Date of Injury)?

Persons Present

The claimant appeared and was assisted by NA, ombudsman. The insurance carrier appeared and was assisted by CF, 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-8

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

The claimant affirmed there were 1,099 pages of Claimant's Exhibits. The insurance carrier affirmed there were 34 pages of Insurance Carrier's Exhibits.

Discussion

At the time of the injury event, the claimant worked as firefighter for the employer. He sustained a compensable injury on (Date of Injury), when he used a tool to try to pry open a fire hydrant that was stuck in a closed position.

The claimant testified that he had been using medication for 17 years to help with erectile and bladder dysfunction. He testified that he had switched brands from time to time but felt that he needed medication to manage his symptoms.

The claimant's request for Tamsulosin and Sildenafil was denied by ER, M.D., per utilization review dated January 16, 2024, and peer review dated January 15, 2024. Dr. R stated that the claimant's recent medical records did not address the clinical response to the use of the medication. Because there was no evidence of clinical benefits, continued use of the medication was not medically necessary. Dr. R's denial was upheld by a utilization review dated February 2, 2024, and peer review dated February 16, 2024, by Dr. KS, M.D.

The Official Disability Guidelines did not address the request for Tamsulosin or Sildenafil. The Notice of Independent Review Decision Amendment was dated March 20, 2024. The Independent Review Organization (IRO) reviewer, identified as a physiatrist in pain medicine/PM&R, upheld the previous adverse determinations and determined that the request for further use was not warranted and that the requested medications were not medically necessary. The IRO reviewer detailed relevant evaluations and determinations made by other medical professionals, including those by AH, M.D., on January 3, 2024. The IRO reviewer also considered the claimant's treatment and medications prescribed, which included Flomax and Viagra. The IRO reviewer concluded that medical necessity was not established in accordance with current evidence-based medical guidelines.

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 contested case hearing, 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. The judge reviewed the evidence presented, including a causation letter dated February 14, 2024, and finds that the preponderance of the evidence-based medicine is not contrary to the IRO decision. The claimant has failed to meet his burden of proof in this matter.

The judge considered all the evidence admitted and based her 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 the (Employer), which provided workers' compensation insurance as a self-insurer.
 - C. 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 IRO determined that the prescriptions for Sildenafil Tab 100 MG QTY 90 and Tamsulosin Cap 0.4 MG QTY 90 were not medically necessary.
4. The preponderance of the evidence-based medicine is not contrary to the IRO decision that Sildenafil Tab 100 MG QTY 90 and Tamsulosin Cap 0.4 MG QTY 90 were not healthcare 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 Sildenafil Tab 100 MG QTY 90 and Tamsulosin Cap 0.4 MG QTY 90 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:

(SELF-INSURED)
(STREET ADDRESS)
(CITY, STATE, ZIPCODE)

Signed on May 31, 2024.

Hsin-Wei Luang
Administrative Law Judge