

**MEDICAL CONTESTED CASE HEARING NO 24008**

**Decision**

For the reasons discussed below, the administrative law judge decides:

The claimant is entitled to CT abdomen/pelvis with IV contrast for the compensable injury of (Date of Injury).

**Statement of the Case**

The claimant appealed the decision of the Independent Review Organization in Case Number (Number). Judge Cindy Galvan held a hearing for this appeal on September 5, 2024, and Judge Robin L. Holm held a hearing for this appeal on November 13, 2024, to decide the following:

Is the preponderance of the evidence contrary to the decision of the Independent Review Organization that the claimant is not entitled to CT abdomen/pelvis with IV contrast for the compensable injury of (Date of Injury)?

The insurance carrier did not attend the hearing on September 5, 2024, but responded to the 10-day letter. Judge Galvan found good cause to reset the hearing.

**Persons Present**

At both hearings, the claimant appeared and was assisted by MH, ombudsman. At the hearing on November 13, 2024, the insurance carrier appeared and was represented by JL, 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-6
Insurance Carrier's Exhibits:	CR-A through CR-H

The claimant affirmed there were 41 pages of Claimant's Exhibits. The insurance carrier affirmed there were 33 pages of Insurance Carrier's Exhibits.

### **Discussion**

The claimant sustained a compensable occupational injury in the form of renal cell carcinoma. The claimant testified that she had surgery to treat the cancer.

The claimant treated with Dr. SS, urologist, who recommended the disputed treatment. Preauthorization from the insurance carrier's utilization review agent was requested and denied.

The claimant requested an Independent Review Organization review of the denial. In the decision letter dated May 7, 2024, the Independent Review Organization agreed with the insurance carrier's denial. The claimant filed this appeal of the Independent Review Organization decision.

Preauthorization was denied indicating the Official Disability Guidelines do not address the request for CT scan abdomen and there was insufficient documentation provided to explain why the treatment was necessary for the compensable injury. The Independent Review Organization stated the provider does not adequately explain why the disputed treatment is needed, and the requests are not warranted based on the Official Disability Guidelines or standard medical practice.

To determine if treatment is medically necessary, Texas law requires the Division of Workers' Compensation to use treatment guidelines. These guidelines must be evidence-based, scientifically valid, and outcome-focused. Use of these guidelines ensures that an injured employee will receive reasonable and necessary health care. The

Division uses the current edition of the Official Disability Guidelines. If the Official Disability Guidelines does not address the requested treatment, then other guidelines or generally accepted standards of practice recognized in the medical community are used.

In this dispute, the claimant had the burden of showing by a preponderance of the medical evidence that the Independent Review Organization decision was incorrect. The claimant presented a medical report from Dr. S to support her position that the decision of the Independent Review Organization should be overturned. Dr. S explained that according to the National Comprehensive Cancer Network guidelines for renal cell carcinoma, regular imaging is crucial. The claimant also presented the Official Disability Guidelines which outline that for many types of cancer, abdominal and pelvic CT scans are indicated for initial staging, preoperative planning, monitoring after completion of treatment, and restaging.

Dr. S provided a persuasive explanation of how the claimant met the criteria for the requested CT abdomen/pelvis. The Official Disability Guidelines support the necessity of the disputed treatment. Therefore, the preponderance of the evidence is contrary to the decision of the Independent Review Organization that the claimant is not entitled to CT abdomen/pelvis with IV contrast for the compensable injury of (Date of Injury).

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) doing business as (Employer).
  - C. On (Date of Injury), the employer provided workers' compensation insurance through Benchmark Insurance Company.
  - D. The claimant sustained a compensable injury on (Date of Injury).

- E. The Independent Review Organization determined that the claimant is not entitled to CT abdomen/pelvis with IV contrast for the compensable injury of (Date of 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. CT abdomen/pelvis with IV contrast is 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 contrary to the decision of the Independent Review Organization that CT abdomen/pelvis with IV contrast is not health care reasonably required for the compensable injury of (Date of Injury).

### **Order**

The insurance carrier is liable for the benefits at issue in this decision.

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

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218**

Signed on November 13, 2024.

Robin L. Holm  
Administrative Law Judge