

**MEDICAL CONTESTED CASE HEARING NO 25007**

**Decision**

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

The claimant is not entitled to 12 sessions of occupational therapy for spinal cord for the compensable injury of (Date of Injury).

**Statement of the Case**

The claimant appealed the decision of the Independent Review Organization in IRO Case Number (Number). Judge Mikhail Nagorny held a hearing for this appeal on July 26, 2025, to decide the following:

Is the claimant entitled to 12 sessions of occupational therapy for spinal cord for the compensable injury of (Date of Injury)? *(Modified by the judge for good cause)*

**Persons Present**

The claimant appeared and was assisted by SR, ombudsman. The insurance carrier appeared and was represented by RL, 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 Exhibits: ALJ-1 through ALJ-3

Claimant’s Exhibits: C-1 through C-4

Insurance Carrier’s Exhibits: CR-A through CR-G

The claimant affirmed there were 46 pages of Claimant’s Exhibits. The insurance carrier affirmed there were 27 pages of Insurance Carrier’s Exhibits. There were 12 pages of

Judge's Exhibits. The parties acknowledged their responsibility to ensure that the documentary evidence was readable, correctly marked, and offered in evidence as intended, including blank pages, if any.

### **Discussion**

On (Date of Injury), the claimant, a (Age)-year veteran of the (Employer), sustained a compensable injury consisting of COVID-19, spinal cord infarct at T-9 through T-11, incomplete paraplegia, post COVID-19 chronic neurologic symptoms, neurogenic bladder, and neurogenic bowel.

The claimant's treating doctor, MG, M.D., requested 12 sessions of occupational therapy for treatment of acute infarction of spinal cord and incomplete paraplegia. The utilization review agent denied the request on September 18, 2023, by determining that the proposed treatment was not medically necessary. On September 19, 2023, Dr. G requested reconsideration of the denial. On October 9, 2023, the reconsideration request was denied. On October 16, 2023, the claimant requested a review by an independent review organization. On November 7, 2023, Independent Medical Reviews, LLC, issued a decision upholding the previous adverse determination.

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. See Texas Labor Code Sections 413.011(e) and 413.017(1). 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.

Dr. G' opinion statements dated August 1, 2023, and September 19, 2023, did not provide a persuasive explanation using evidence-based medical evidence of how the proposed treatment was medically necessary. Therefore, the preponderance of the evidence is not contrary to the decision of the independent review organization that 12 weeks of occupational therapy for spinal cord is not health care reasonably required for the compensable injury of (Date of Injury).

The judge considered all the evidence admitted and based his 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 through self-insurance.
  - C. On (Date of Injury), the claimant sustained a compensable injury determined by the Division to be COVID-19, spinal cord infarct at T-9 through T-11, incomplete paraplegia, post COVID-19 chronic neurologic symptoms, neurogenic bladder, and neurogenic bowel.
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. On November 7, 2023, the Independent Review Organization upheld the previous adverse determination that 12 weeks of occupational therapy for spinal cord were not medically necessary.
4. The preponderance of the evidence-based medical evidence is not contrary to the decision of the Independent Review Organization that 12 weeks of occupational therapy for spinal cord 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 claimant is not entitled to 12 sessions of occupational therapy for spinal cord 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.

**Service of Process**

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:

**(NAME)**  
**(ADDRESS)**

Signed on July 16, 2025.

Mikhail Nagorny  
Administrative Law Judge