

MEDICAL CONTESTED CASE HEARING NO 25012

Decision

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

For the compensable injury of (Date of Injury), the claimant is not entitled to 156 individual weekly psychotherapy sessions.

Statement of the Case

The claimant appealed the decision of the Independent Review Organization.

Judge Sandra Schuck-Garant held a hearing for this appeal on September 15, 2025, to decide the following:

For the compensable injury of (Date of Injury), is the claimant entitled to 156 individual weekly psychotherapy sessions? (The parties agreed to amend this issue.)

Persons Present

The claimant appeared and was assisted by SR, ombudsman. The insurance carrier appeared and was represented by ES.

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 and ALJ-2

Claimant's Exhibits: C-1 through C-3 Insurance

Carrier's Exhibits: CR-A through CR-H

The claimant affirmed there were 23 pages of Claimant's Exhibits. The insurance carrier affirmed there were 42 pages of Insurance Carrier's Exhibits. The insurance carrier objected to Claimant's Exhibit C-2 because it was not listed in the List of Records Reviewed. Claimant's Exhibit C-2 was admitted but not given any weight in this decision as noted in the record.

Discussion

The claimant sustained a compensable injury on (Date of Injury). The compensable injury includes at least a lumbar strain, lumbar sprain, acute stress reaction, posttraumatic stress disorder, anxiety, insomnia, right leg strain, and nausea. The claimant treated with DS, M.D., who recommended the disputed treatment. Preauthorization from the insurance carrier's utilization review agent was requested and denied.

The claimant then requested an Independent Review Organization review of the denials. In the decision letter dated July 25, 2025, the Independent Review Organization upheld (agreed with) the insurance carrier's denials. The claimant is now appealing the Independent Review Organization decision.

In this dispute, the claimant has the burden of showing by a preponderance of the medical evidence that the Independent Review Organization decision is wrong. The claimant relied on her testimony to support her position of entitlement to the disputed treatment. She testified that she treated with a professional staff member named R under the supervision of Dr. GW. She was thankful for the 55 psychotherapy sessions. She believed that more psychotherapy would help her not give up.

The insurance carrier relied on the medical records in evidence to support its position that the claimant is not entitled to the requested treatment.

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.

The *Official Disability Guidelines* apply in this case, and these guidelines support up to 13 to 20 visits over 7 to 20 weeks of individual sessions for posttraumatic stress disorder if progress is being made. The guidelines further indicate that the provider should evaluate improvement so that treatment failure is recognized early because alternative treatment may be appropriate. In cases of severe major depressive disorder or posttraumatic stress disorder up to 50 sessions may be warranted if progress is being shown. The claimant underwent approximately 55 psychotherapy sessions before the request of 156 more sessions. The evidence indicated that the claimant had made some progress, yet the guidelines do not authorize additional sessions beyond 50. The evidence did not persuasively explain, using evidence-based medicine, why an additional 156 weekly individual psychotherapy sessions are necessary.

Therefore, the preponderance of the evidence is not contrary to the decision of the independent review organization that the claimant is not entitled to 156 individual weekly psychotherapy sessions.

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 the employee of (Employer), which provided workers' compensation insurance through self-insurance.
 - C. On (Date of Injury), the claimant sustained a compensable injury.
 - D. The requested treatment is for the (Date of Injury), compensable injury that includes at least a lumbar strain, lumbar sprain, acute stress reaction, posttraumatic stress disorder, anxiety, insomnia, right leg strain, and nausea.
 - E. The independent review organization decision upheld the insurance carrier's denials of 156 individual weekly psychotherapy sessions.
 - F. The independent review organization decision was sent to the parties on July 25, 2025.

- G. On August 5, 2025, the claimant filed this appeal of the independent review organization decision with the Division of Workers' Compensation. The appeal was filed within twenty days from the date the independent review organization decision was sent to the parties.
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-based medical evidence is not contrary to the decision of the independent review organization that the claimant is not entitled to 156 individual weekly psychotherapy sessions 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. For the compensable injury of (Date of Injury), the claimant is not entitled to 156 individual weekly psychotherapy sessions.

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 **(SELF-INSURED)**. The name and address of its registered agent for service of process is:

(NAME)
(ADDRESS)

Signed on September 18, 2025.

Sandra Schuck-Garant
Administrative Law Judge