

ADVISORY NO. 342
###

TOPIC: CERTIFYING RECORDS IN IRO DISPUTES

In medical disputes referred to as Independent Review Organization under Rule 133.308, each party is required to provide relevant information to the IRO. The IRO's decision becomes the decision of the Medical Review Division.

A problem arises when these disputes are appealed to the State office of Administrative Hearings (SOAH). There is currently no mechanism to collect and certify the record used by the IRO since these documents may come from several sources (one or more healthcare providers, the carrier and/or the claimant). Rules are currently being considered to resolve this problem.

In the meantime, SOAH has issued a blanket order requiring the filing of all documents provided to the IRO, along with an Affidavit attesting to (among other things) the fact that the documents are *all* the documents/materials provided to the IRO for purposes of having the IRO render a decision.

This is not a problem when Flahive, Ogden and Latson make the original filings with the IRO on your behalf and at your request. We can sign the affidavit and respond to the SOAH order. However, if you make the original filing of medical documents, medical literature, medical authority, analysis, etc. yourself, you *must* keep a record of *exactly* what you provided to the IRO.

Please call Steve Tipton at (512) 435-2162 or email SMT1@fol.com if you have any questions about this process.