



## IMED, INC.

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### NOTICE OF INDEPENDENT REVIEW DECISION

#### IRO REVIEWER REPORT

**DATE OF REVIEW:** 06/28/07

**IRO CASE NO.:**

**DESCRIPTION OF THE SERVICE OR SERVICES IN DISPUTE:**

Items in Dispute: Ten (10) sessions of additional work hardening.

**A DESCRIPTION OF THE QUALIFICATIONS FOR EACH PHYSICIAN OR OTHER HEALTH CARE PROVIDER WHO REVIEWED THIS DECISION:**

Texas License and currently on TDI DWC ADL.  
Diplomate of the American Association of Quality Assurance & Utilization Review Physicians  
Diplomate of the American Academy of Pain Management  
Certified by the American Academy of Disability Evaluating Physicians  
Fellow of the American Back Society

**REVIEW OUTCOME:**

Upon independent review, the reviewer finds that the previous adverse determination/adverse determinations should be:

Denial Upheld

**INFORMATION PROVIDED TO THE IRO FOR REVIEW:**

1. 09/27/06 – Operative report.
2. 11/10/06 – Operative report.
3. 01/08/07 – Insurance summary.
4. 01/26/07 – M.D., prescription for work hardening.
5. 02/05/07 – Functional Capacity Evaluation.
6. 02/05/07 – Behavioral medicine note.
7. preauthorization request for work hardening.
8. 03/07/07 Thru 03/20/07 – Work hardening notes.

9. preauthorization approval forms.
10. Integra Medical Group anxiety education form.
11. 03/11/07 – Independent Medical Evaluation report by, M.D.
12. 03/23/07 – Narrative from, M.D.
13. 03/28/07 – M.D., prescription form.
14. 04/05/07 –denial form.
15. 05/03/07 –denial form.
16. 06/04/07 – Statement of disputed issues from Medical Group.

### **INJURED EMPLOYEE CLINICAL HISTORY (SUMMARY):**

The employee was injured when he slipped and fell. The injury resulted in a damaged tendon of the right middle finger resulting in a mallet finger. The employee had some compensability issues, but he eventually underwent a surgical repair of the mallet finger on 09/27/06 followed by a pin removal procedure on 11/10/06.

The employee underwent multiple sessions of physical therapy and postoperative care followed by a work hardening program which was initiated in March, 2007. The initial Functional Capacity Evaluation (FCE) which was used to enroll the employee into this work hardening program was dated 02/05/07. This FCE was performed by D.C. The job level reported by the employee was that of a medium level physical demand capacity occupation. According to the *Dictionary of Occupational Titles* as described by the U. S. Department of Labor, a medium level job is lifting anywhere between 21 and 50 pounds on an occasional basis.

Dr. indicated in the his “Ergos evaluation summary report” that he would only consider the claimant to be at a medium level if he met the highest capacity of that job duty, which in his opinion, was lifting up to 50 pounds on an occasional basis. There was no indication in the report as to where the doctor arrived at this level of occupational necessity, but it was mentioned that the employee was described as having a job title of pillowcase cutter. However, other reports suggest the employee is actually a, and that he was required to

A as described by the *Dictionary of Occupational Titles* with a code of 780.684-066 is described as requiring a strength of lifting no more than 20 pounds on an occasional basis. The physical demand capacity is described as a strength of light duty.

According to the FCE dated 02/05/07, Dr. indicated that the employee could only qualify in the sedentary occupation since he did not meet all of the requirements of the light duty job demand. Therefore, work hardening was started.

A report generated by the insurance carrier dated 03/01/07 listed the employee as having an occupation of . Additionally, on 03/11/07, M.D., documented how the employee described his occupation. It was mentioned that the employee was employed by, and his job involved .

Records next indicate that, M.D., saw the employee on 03/23/07, and this psychiatrist suggested the need for ongoing work hardening. Dr. cited the fact that the employee now met a full level of light duty lifting capacity based on a recent FCE. This FCE was performed on 03/23/07 and indicated the employee met or exceeded the requirements of light duty lifting, and in fact, was in between the light and medium level lifting tasks as outlined by the *Dictionary of Occupational*

**Titles.** Please remember that the *Dictionary of Occupational Titles* defined medium level jobs as lifting between 21 and 50 pounds on an occasional basis. The employee actually met the definition of medium level physical demand capacity occupations according to the *Dictionary of Occupational Titles*.

Nevertheless, work hardening was again requested by Dr. and it was subsequently denied by two separate physician reviewers, one on 04/05/07 and a second on 05/03/07. Dr. filed a rebuttal which now indicated that the employee's occupational duties were in fact "a heavy physical demand level", not medium. Dr. went on to indicate that the employee did require work hardening based on the report provided by Dr., as well as recommendations by Dr.

**ANALYSIS AND EXPLANATION OF THE DECISION INCLUDE CLINICAL BASIS, FINDINGS, AND CONCLUSIONS USED TO SUPPORT THE DECISION:**

The employee does not require any further work hardening at this point in time. Multiple areas of this employee's records suggest that he is a , which is described by the *Dictionary of Occupational Titles* as code 780,684-066. This physical demand level is only listed as a light duty capacity requiring lifting up to 20 pounds on an occasional basis. The employee did have a recent FCE in March, 2007 which confirmed that he more than met the satisfactory job duty of a.

It appears that Dr. now suggests in his most recent rebuttal letter that the employee must lift up to 100 pounds on an occasional basis. It is unclear where these new job descriptions are coming from, as they have never been documented by Dr. or the FCEs dated 02/05/07 or 03/23/07. In fact, the one mention of a job duty noted on the 02/05/07 report is that the employee's job level is a medium with a title of. No job descriptions mentioned anywhere in the FCE, and it is difficult to understand where the description of came from, especially since a description of the employee's job was mentioned by Dr. during his March, 2007 report. In that report, it clearly stated that the employee was required to.

Nevertheless, even if the claimant is described as a, the job level according to the *Dictionary of Occupational Titles* is described as a physical demand capacity of lifting no more than 21 to 50 pounds on an occasional basis. The most recent FCE of 03/23/07 clearly indicated that the claimant met or exceeded those job duty requirements.

Regardless of which job title is utilized, it is clear that the employee can now meet or exceed his job duty requirements based on the definitions outlined by the *Dictionary of Occupational Titles*.

This employee requires no further work hardening at this point.

If the IMED's decision is contrary to: (1) the DWC's policies or guidelines adopted under Labor Code §413.011, IMED must indicate in the decision the specific basis for its divergence in the review of medical necessity of non-network health care or (2) the networks treatment guidelines, IMED must indicate in the decision the specific basis for its divergence in the review of medical necessity of network health care.

**A DESCRIPTION AND THE SOURCE OF THE SCREENING CRITERIA OR OTHER CLINICAL BASIS USED TO MAKE THE DECISION:**

A. *Dictionary of Occupational Titles*