



IMED, INC.

1701 N. Greenville Ave. • Suite 202 • Richardson, Texas 75081
Office 972-381-9282 • Toll Free 1-877-333-7374 • Fax 972-250-4584
e-mail: imeddallas@msn.com

Notice of Independent Review Decision

DATE OF REVIEW: 12/30/08

IRO CASE NO.:

DESCRIPTION OF THE SERVICE OR SERVICES IN DISPUTE:

Item in dispute: Work hardening program 5 x 2 weeks (with eight units per session) for a total of ten visits

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

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 determination should be:

Denial Upheld

PATIENT CLINICAL HISTORY (SUMMARY):

On xx/xx/xx, the employee who was xx years old sustained an occupational injury. The records suggest that she was lifting floor mats which weighed approximately ten pounds according to her own recollection as documented on the initial assessment by Systems on 01/30/08. Later during a Functional Capacity Evaluation (FCE) performed on 10/03/08, the employee recalled that these mats weighed approximately twenty pounds. Regardless, the employee stated that she was lifting these mats resulting in a lumbar spine injury.

The employee remained at work between March, 2007 through at least August, 2007 before she was removed from work. It is unclear if this removal from work was actually work related or related to her pregnancy. The notes do suggest that she was pregnant at the time of this occupational injury in xx/xxxx, but it is unclear as to how far along her pregnancy was at the time of injury or when her end date of confinement was documented.

Nevertheless, the employee reported ongoing low back pain after August, 2007, and she was removed from work on 08/28/07.

The records suggest that the employee underwent conservative management during her injury status, and this included passive and active physical therapy modalities.

The notes suggest that the employee eventually underwent an L4-L5 laminectomy and discectomy on 03/18/08. Following this, the employee had twenty-four sessions of postoperative physical therapy and at least ten sessions of a work hardening program prior to her surgery as well.

A Functional Capacity Evaluation (FCE) documented on 10/03/08 suggested that the employee could lift up to twenty pounds frequently during the dynamic lifting portion of the test and thirty pounds occasionally. Regardless of this employee's very good strength abilities, the narrator of the FCE suggested that she was only qualified for lifting up to twenty pounds occasionally which meets a light duty physical demand capacity. However, it should be clarified that the Dictionary of Occupational Titles defines light duty work as exerting up to twenty pounds of force occasionally. Medium level work is exerting up to twenty to fifty pounds of force occasionally and up to ten to twenty-five pounds of force frequently. Since the employee was able to lift twenty pounds of force frequently and thirty of force occasionally based on the 10/03/08 FCE, her actual work ability as defined by the Dictionary of Occupational Titles was that of a medium level work ability. Regardless, when reviewing the records, the employee herself suggested that she was required to lift up to twenty pounds occasionally, which would meet a light duty work ability. Additionally, the actual job description provided by the employer suggests that she only needs to lift up to two pounds occasionally, which would be a sedentary duty requirement.

Regardless of the job duty requirement utilized, at the very most the employee could be required to lift up to twenty pounds on an occasional basis as reported by the employee herself; and therefore, the FCE and/or physical capacity evaluation examination performed on 10/03/08 confirmed that her abilities far exceed her requirements for full duty return to work as of 10/03/08.

An initial peer review dated 10/27/08 denied the request for additional work hardening. This was supported by multiple criteria found in the ***Official Disability Guidelines***. A second request for preauthorization was received, and again the peer review physician found no convincing evidence that the employee would require ongoing work hardening.

The physician next provided a written appeal for an IRO to make a decision as to whether or not this employee required a work hardening program.

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

The medical records available for review clearly indicate that this employee had a documented ability which far exceeded her on-the-job requirement. Additionally, the employee did not meet other criteria for a return to work program.

The ***Official Disability Guidelines*** do give simple recommendations for physicians to follow. In fact, the chiropractor in question listed these recommendations as follows:

1. There must be physical recovery sufficient to allow for progressive reactivation and

participation for a minimum of four hours a day for three to five days a week. The employee's records do appear to indicate that the employee has had sufficient recovery. Her FCE performed on 10/03/08 confirmed that she could lift thirty pounds occasionally and twenty pounds frequently.

2. A defined return to work goal agreed to by the employer and the employee must be met. Records as of 01/30/08 suggest that the employee does not wish to return to her same line of employment. One of the specific quotes is that the employee "wants to get into a different line of work". Therefore, she does not meet this specific requirement.
3. Documented on-the-job training.
4. The worker must be able to benefit from the program. These records clearly indicate that there is no benefit that would be achieved from this suggested work hardening program. The employee was already able to lift thirty pounds occasionally despite the fact that she stated she only needs to lift up to twenty pounds occasionally. The employee was able to lift twenty pounds frequently according to the FCE of 10/03/08, and therefore, it is clear that she far exceeds the requirements of her regular duty occupation.

Based upon the records supplied by the chiropractor of Advantage Health Care notes which clearly outline the specific requirements as documented by the ***Official Disability Guidelines***, this employee does not require a work hardening program.

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

1. ***Official Disability Guidelines***