



Notice of Independent Review Decision

DATE OF REVIEW:

03/31/2008

IRO CASE #:

DESCRIPTION OF THE SERVICE OR SERVICES IN DISPUTE

Live in caregiver for personal needs on dates of service 01/14/2008 to 01/20/2008 and 01/21/2008 to 01/27/2008.

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

Doctor of Osteopathy, Board Certified in Anesthesiology and Specializing in Pain Management

REVIEW OUTCOME

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

Provide a description of the review outcome that clearly states whether or not medical necessity exists for each of the health care services in dispute.

Live in caregiver for personal needs on dates of service 01/14/2008 to 01/20/2008 and 01/21/2008 to 01/27/2008 is not medically necessary.

INFORMATION PROVIDED TO THE IRO FOR REVIEW

- MCMC: Case Report dated 03/14/08
- MCMC Referral dated 03/14/08
- Letter dated 03/20/08
- DWC: Notice To MCMC, LLC Of Case Assignment dated 03/13/08
- Letter dated 03/12/08
- DWC: Confirmation Of Receipt Of A Request For A Review dated 03/12/08
- Advance Beneficiary Notice dated 03/12/08
- Certification and Plan of Care dated 03/12/08
- Addendum to Plan of Care dated 03/12/08
- LHL009: Request For A Review By An Independent Review Organization dated 03/10/08
- MRI: Report dated 02/29/08 from M.D.
- Professional Associates: Notice of Independent Review Decision dated 02/13/08 from , Secretary/General Counsel
- IRO Reviewer Report – WC dated 02/13/08
- Management Services : Letter dated 02/06/08 from Technical Claims Specialist
- Letters dated 01/28/08, 03/07/06 from claimant's wife
- Invoices dated 01/28/08, 01/21/08
- Track Shipments report dated 01/28/08



- Copy of checks from claimant dated 01/23/08, 01/24/08, 01/28/08
- Pharmacy: Reports dated 12/29/07, 10/04/06, 03/23/05, 01/20/05
- Authorization WC949-424914 dated 11/08/07
- Resource Management form dated 11/08/07
- Social Worker Narrative Addendum dated 11/08/07
- M.D.: Designated Doctor Evaluation dated 10/05/07
- Discharge Information sheets dated 10/02/07
- Hospital: Discharge Summary dated 10/02/07 from Dr.
- Hospital: Right knee radiographs dated 10/02/07, chest radiographs dated 09/29/07, MRI thoracic spine dated 09/29/07, MRI lumbar spine dated 09/29/07, chest radiographs dated 09/27/07, chest radiographs dated 09/26/07, chest radiographs dated 08/23/07, thoracic spine radiographs dated 08/23/07
- Hospital: Biopsy report dated 09/30/07
- Hospital: Operative Report dated 09/30/07 from Dr.
- Letter dated 09/28/07 from Utilization Review Intake Agent
- Hospital: Lab reports dated 09/26/07 to 10/02/07
- Hospital: History and Physical Examination dated 09/26/07 from Dr.
- RN: Nurse Notes/Verbal Orders dated 09/17/07, 09/14/07, 01/11/07, 10/05/06, 07/27/05, 05/27/05
- Radiology: Lumbar spine radiographs dated 09/13/07, thoracic spine radiographs dated 09/13/07, chest radiographs dated 08/04/07, MRI thoracic spine dated 06/26/07, thoracic spine radiographs dated 05/10/07, lumbar spine radiographs dated 03/08/07, cervical spine radiographs dated 03/06/07
- Notice Of Disputed Issue(s) and Refusal To Pay Benefits dated 09/12/07, 06/16/06, 09/01/06, 01/06/05
- M.D.: Office/Outpatient Visit notes dated 08/23/07, 01/05/07, 09/15/06, 06/16/06
- Hospital: Patient's Plan of Care dated 08/23/07
- Hospital: Discharge Patient Audit Archive report dated 08/23/07
- Hospital ER: Discharge Summary dated 08/23/07
- Nursing Admit/HX/Assess: Radiology report dated 08/22/07
- Healthcare System: Emergency Nursing Record dated 08/22/07
- Healthcare System: History and Physical and Post Procedure Progress Note dated 08/22/07
- Healthcare: Emergency Department Physician Order Record dated 08/22/07
- Healthcare: Emergency Physician Record dated 08/22/07
- Healthcare: Disclosure and Consent dated 08/22/07
- Pre and Post Percutaneous Vertebroplasty Orders dated 08/22/07
- Healthcare: Physician's Orders and Signature dated 08/22/07
- Healthcare: Procedure/Site Verification Checklist dated 08/22/07
- Special Procedure Form dated 08/22/07
- Health Care Systems: Radiology Outpatient Order Form dated 08/15/07
- M.D.: Chart notes dated 08/07/07, 07/31/07, 10/18/06, 03/28/06
- Orthotics & Artificial Limbs: Physician Order dated 03/05/07
- Session Data Reports dated 04/10/07, 01/11/07, 10/08/98, 09/26, 05/27
- CPM Refill Guide dated 12/21/06

- Imaging Center: Cervical spine radiographs dated 11/02/06, lumbar spine radiographs dated 09/11/03
- Home Intensive Care: Prescription dated 10/04/06
- RN: Nurse Notes/Verbal Orders dated 09/13/06, 06/12/06, 01/26/06, 09/26/05, 03/24/05, 01/25/05
- Imaging Center: MRI cervical spine dated 09/12/06
- M.D.: EMG/Nerve Conduction Study dated 09/08/06
- M.D.: Report dated 08/09/06
- DWC-73: Work Status Reports dated 08/09/06, 09/24/04, 06/03/02, 07/19/00, 04/18/00
- Investigations: Reports dated 07/31/06, 06/26/06
- DWC: Letter dated 05/25/06
- Letter dated 05/10/06 from M.D.
- Behavioral Health Services: Reports of Clinical Services dated 05/10/06, 05/02/06 from Ph.D.
- MCMC: Case Report dated 04/24/06 from M.D.
- Neurosurgical Associates: Prescription notes dated 04/12/06, 02/17/06
- Ph.D.: Report of Initial Interview dated 02/16/06
- M.D.: Letter dated 01/17/06
- Field Investigator Activity Check Report dated 01/09/06
- Letters dated 12/31/05, 11/30/05, 08/31/05, 01/31/05
- Ambulatory Surgery Center: Pain Clinic Operation Reports dated 04/20/05, 03/23/05, 03/09/05, 09/08/04 from M.D.
- Center Letter with attached report dated 03/04/05 from D.O.
- Consultants in Pain Medicine: Letter dated 01/16/05 from M.D.
- RN: Nurse Note dated 11/29/04
- Hospital: History and Physical dated 11/21/94 from M.D.
- Ambulatory Surgical Services: Anesthesia Record dated 09/08/04
- Pre-Anesthesia Evaluation dated 09/08/04
- Ambulatory Surgical Services: Discharge instructions dated 09/08/04
- Center Physical Therapy: FCE dated 08/30/04 from B.A. and MPT
- M.D.: Letter dated 08/25/04
- Consultants in Pain Medicine: Progress Notes dated 08/19/04 through 02/16/06
- Ambulatory Surgery Center: Intrathecal Narcotic Trial Catheter Operative Report dated 08/16/04 from M.D.
- Ph.D.: Report of Behavioral Health Assessment dated 07/07/04
- Consultants in Pain Medicine: Initial Office Visit dated 06/17/04 from M.D.
- Neurosurgical Associates: Follow Up note dated 05/20/04 from M.D.
- Neurosurgical Associates: New Patient Evaluation dated 04/28/04 from M.D.
- Healthcare Systems: RME Report dated 12/02/03 from M.D.
- URS: Letter dated 08/13/03
- Utilization Review Services: Chronic Drug Utilization Review dated 08/11/03 from M.D.
- Hospital: CT guided abscess drainage dated 02/20/03, CT abdomen and pelvis dated 02/13/03, CT brain dated 01/14/03 chest radiographs dated 01/13/03
- Hospital: History and Physical Examination dated 02/12/03 from Dr.
- Hospital: Discharge Summary dated 01/18/03 from Dr.

- Hospital: Internal Medicine Consultation dated 01/13/03, Dr.
- Hospital: Operative Report dated 01/13/03 from Dr.
- Hospital: Operative Reports dated 01/13/03, 07/20/02 from M.D.
- Peer Review Analysis: Case Report dated 01/10/03 from M.D.
- Orthotics & Artificial Limbs: Physicians Order dated 12/30/02
- Health Care: Lumbar spine radiographs dated 12/26/02
- Procedures and Treatments report dated 12/26/02
- Note Summary By Patient dated 12/02/02 to 12/31/02
- Note Summary By Patient With Patient Work dated 11/01/02 to 11/27/02
- PTA: Daily Notes dated 10/30/02, 10/24/02
- LPTA: Daily Note dated 10/23/02
- PTA: Daily Note dated 10/21/02
- PT: Daily Note dated 10/17/02
- Orthopedic Evaluation (handwritten) dated 10/17/02
- Lumbar Spine Evaluation (handwritten) dated 10/17/02
- MRI Central: MRI lumbar spine dated 09/18/02
- Hospital: Thoracic spine radiographs dated 08/12/02, chest radiographs dated 07/20/02, lumbar spine radiographs dated 07/20/02, cervical spine radiographs dated 10/15/98
- Hospital: Internal Medicine Consultation dated 07/29/02 from Dr.
- M.D.: Letter dated 07/05/02
- M.D.: Chest radiographs dated 07/05/02
- M.D.: Report dated 06/03/02
- Doctor's note dated 04/29/02 (Disc Level in first column)
- Treatment Center: Lumbar discogram dated 04/02/02, CT lumbar spine dated 04/29/02, MRI cervical spine dated 12/18/00
- Health Care: Emergency Department record dated 02/26/02
- M.D.: Handwritten doctor's notes dated 12/10/00, 10/15/00, 10/09/00
- Radiology: Cervical spine radiographs dated 02/23/00, MRI cervical spine dated 10/23/98
- Orthotics and Prosthetics: Prescription note dated 02/23/00
- Healthcare Systems: Letter dated 12/02/01 from M.D.
- Injured Workers: Letters dated 04/23/01, 11/10/00 from B.S.
- M.D.: EMG Report dated 03/21/01
- Pain & Injury Clinic: Nerve Conduction Report dated 02/20/01
- M.D.: Letter dated 01/11/01
- DWC-69: Reports of Medical Evaluation dated 10/15/00, 01/12/00, 11/16/99
- M.D.: Letter dated 10/09/00
- DWC Hearings Division: Decision and Order dated 06/23/00 from Hearing Officer
- CORE: Peer Review Analysis dated 06/07/00 from M.D.
- Neurosurgical Associates: Letters dated 05/16/00 to 05/18/06 from M.D.
- Letters dated 04/26/00 (two), 04/13/00 from Vocational Rehabilitation Consultant
- The Imaging Center: Cervical spine radiographs dated 02/23/00, cervical spine radiographs dated 09/23/99
- M.D.: Letter dated 02/04/00

- Chiropractic Clinic: Impairment Narrative dated 01/11/00 from Dr. D.C.
- Medical Review and Medical Assessment report dated 11/16/99 from M.D.
- Letter dated 09/22/99 from RN
- BHS: Operative Report dated 05/11/99 from M.D.
- Hospital: cervical spine radiographs dated 05/11/99, chest radiographs dated 05/11/99
- DWC: Recommendation For Spinal Surgery dated 04/09/09
- M.D.: Consultation Note dated 01/18/99
- Neurosurgical Associates: Chart notes dated 10/15/98 to 09/13/07 from M.D.
- Medical Summary for the period 11/21/94 through 09/26/07
- Hospital: Radiology Requests (four)
- Hospital: Operative Report dated 11/21/94 from M.D.
- Healthcare System: Undated Home medications list
- Undated article entitled, "Directions, Parking, and Dining Information"
- Healthcare Plan of Care (undated)
- Undated Interdisciplinary Plan of Care report
- Undated "Best Safety Practice" information
- Undated Goal Status Report
- Health Care: Emergency Department Record (date not visible)
- Handwritten Monitor Strips and Narrative Nurse's Notes (date not visible)
- Undated Injury Data report
- Undated ODG Guidelines entitled, "Procedure Summary – Low Back"

PATIENT CLINICAL HISTORY [SUMMARY]:

The injured individual is a male with date of injury xx/xxxx. The injured individual had subsequent lumbar and cervical surgeries. He also has osteoporosis, not related to his date of injury and hence suffered thoracic vertebral fractures. He has a live in health care provider who has been with him for years and pays rent and drives him and does errands, lawn care, shopping, etc. The injured individual has a wife who is not disabled from all accounts. The surveillance video showed him walking with a cane, getting in and out of an SUV on his own, sitting in a car for an hour or so, and using an electric scooter.

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

The injured individual can ambulate with a cane, can get in and out of a vehicle, sit in a car for over an hour, and walk into a store all per video surveillance. There is no indication he requires assistance for any of these activities or for home care such as bathing, dressing, or bathroom usage as he is ambulatory. Therefore, a home health aide 24 hours per day is not necessary. In this case the records indicate the injured individual and his wife have a tenant who pays rent but also provides services like driving them, doing the lawn work, shopping, and cleaning. There is no indication the wife cannot perform these services or the injured individual himself could not perform driving a modified vehicle if needed or shopping as he can ambulate with a cane for a reasonable distance and has a motorized scooter for longer distances. The injured individual is not handicapped to the extent that he cannot do personal grooming or activities of daily living (ADLs).



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

ODG- OFFICIAL DISABILITY GUIDELINES & TREATMENT GUIDELINES 2007:

Recommended only for otherwise recommended medical treatment for patients who are homebound, on a part-time or “intermittent” basis, generally up to no more than 35 hours per week. Medical treatment does not include homemaker services like shopping, cleaning, and laundry, and personal care given by home health aides like bathing, dressing, and using the bathroom when this is the only care needed. ([CMS, 2004](#))