



Medical Review Institute of America, Inc.
America's External Review Network

DATE OF REVIEW: February 10, 2010

IRO Case #:

Description of the services in dispute:

Chronic pain management program (10 sessions – CPT)

A description of the qualifications for each physician or other health care provider who reviewed the decision

The physician providing this review is board certified in Anesthesiology and is a doctor of Osteopathy. The reviewer is currently an attending physician at a major medical center providing anesthesia and pain management services. The reviewer has participated in undergraduate and graduate research. The reviewer has been in active practice since 1988.

Review Outcome

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

Upheld

The chronic pain management program is not medically necessary.

Information provided to the IRO for review

Request for a review by an independent review organization, 1/21/10, 3 pages

Records Received from the State of Texas:

Request for Medical Dispute Resolution, 1/25/10, 3 pages

Reconsideration answer, 1/12/10, 5 pages

Pre-authorization intake forms 12/21/09, 1/5/10, 2 pages

Request for reconsideration, 1/4/10, 4 pages

Notice of determination, 12/21/09, 3 pages

Indication of evaluation and initial interview 12/1/09, 9 pages

Follow-up visit notes, Dr. 9/17/09, 2/1/09, 2 pages

H&P Dr. 7/21/08, 4 pages

Records Received from the Law Office:

Carrier submission, 1/27/10, 8 pages

Reconsideration answer, 1/12/10, 5 pages

Notice of determination 12/28/09, 3 pages

Follow-up visit notes, Dr. 9/11/08, 10/23/08, 12/4/08, 1/22/09, 3/2/09, 7/23/09, 9/17/09 and

12/1/09, 13 pages

Initial interview, 12/1/09, 8 pages

Radiology report, bone scan, 11/13/09, 1 page

Patient into sheet and clinic note Dr. (range of motion), 9/17/09, 6 pages

Electro-diagnostic interpretation, 4/22/09, 10 pages

Report of medical evaluation, 3/6/09, 1 page

Functional Capacity Evaluation, 3/6/09, 6 pages

Operative report, 2/3/09, 6 pages

Radiology report – bone scan, 12/16/08, 1 page

Radiology report – Foot x-ray, 12/16/08, 1 page

Laboratory test requisition and reports, 12/4/08, 3 pages

Procedure report, 11/4/08, 3 pages

Operative report, 11/4/08, 3 pages

MRI, 10/9/08, 3 pages

Diagnostics evaluations, 7/21/08, 10/7/08, 22 pages

Nerve block order, 8/13/08, 2/21/08, 2 pages

Procedure report epidural steroid injection, 9/24/08, 6 pages

Authorization request transforaminal epidural steroid injection, 9/19/08, 2 pages

Procedure report, nerve block, 8/13/08, 6 pages

H&P, 8/19/08, 5 pages

Office visits, Surgery Center, 4/28/08, 5/28/08, 7/16/08, 11 pages

Foot x-ray, 7/16/08, 1 page

Reevaluation summary, 6/4/08, 6/27/08, 4 pages

Physical therapy daily notes, 5/13/08, 5/15/08, 5/22/08, 5/27/08, 6/4/08, 6/13/08, 6/27/08, 7/2/08, 10 pages

Initial evaluation, Surgery Center, 5/13/08, 3 pages

Prescription for fracture boot and crutches, 4/24/08, 1 page

Texas Workers' Compensation Status Reports, 3/7/07, 3/14/08, 3/28/08, 6 pages

Foot MRI, 3/18/08, 1 page

ODG Treatment Guidelines, Chronic pain, 373 pages

ODG Treatment Guidelines, Ankle and Foot, 117 pages

Patient clinical history [summary]

This is a male with a date of injury in xx/xx. The patient injured his right ankle. He used a boot but did not have surgery. Ankle MRI was negative. Lumbar MRI showed multilevel disc bulges. He had PT, ortho consult, a bone scan that showed increased 4th metatarsal uptake consistent with arthritis or infection, and an EMG that was negative for either reflex sympathetic dystrophy (RSD) or radiculopathy. He had 3 lumbar sympathetic blocks, one transforaminal epidural steroid injection, PT all with no sustained benefit. The patient was referred to a pain program. The pain evaluation stated he had had work hardening but those notes were not provided to verify this. He also has had no individual psych. His pain evaluation indicated his pain score was 8/10, he sleeps 4 hours, Beck Depression Inventory was 22, Beck Anxiety Inventory was 18 and he was on Vicoprofen, Lidoderm, Lyrica, Lunesta, and Voltaren. His Functional Capacity Evaluation (FCE) indicated he was performing

at sedentary/light, which was his job description. His Designated Doctor Exam stated there was no radiculopathy or RSD. His ortho and pain MD noted shiny skin, hyperesthesia, swelling, tenderness in the foot. His urine drug screen showed cocaine.

Analysis and explanation of the decision include clinical basis, findings and conclusions used to support the decision.

The chronic pain management program is not medically necessary. First, the patient has no evidence of having any functional deficit that would preclude him from returning to his job, as his FCE indicated he was performing at that required level. Second, he had no individual psycho therapy yet. Third, his urine screen indicated cocaine, yet he continues to be prescribed a narcotic, Vicoprofen. Fourth, his Designated Doctor Exam indicated there was no evidence of radiculopathy or RSD, and this was corroborated by negative bone scan, EMG, and MRIs. There is no clinical indication or requirement for a pain program in this patient.

A description and the source of the screening criteria or other clinical basis used to make the decision:

ACOEM pg 113-116.

ODG: Criteria for the general use of multidisciplinary pain management programs:

Outpatient pain rehabilitation programs may be considered medically necessary in the following circumstances:

(1) The patient has a chronic pain syndrome, with evidence of loss of function that persists beyond three months and has evidence of three or more of the following: (a) Excessive dependence on health-care providers, spouse, or family; (b) Secondary physical deconditioning due to disuse and/or fear-avoidance of physical activity due to pain; (c) Withdrawal from social activities or normal contact with others, including work, recreation, or other social contacts; (d) Failure to restore preinjury function after a period of disability such that the physical capacity is insufficient to pursue work, family, or recreational needs; (e) Development of psychosocial sequelae that limits function or recovery after the initial incident, including anxiety, fear-avoidance, depression, sleep disorders, or nonorganic illness behaviors (with a reasonable probability to respond to treatment intervention); (f) The diagnosis is not primarily a personality disorder or psychological condition without a physical component; (g) There is evidence of continued use of prescription pain medications (particularly those that may result in tolerance, dependence or abuse) without evidence of improvement in pain or function.

(2) Previous methods of treating chronic pain have been unsuccessful and there is an absence of other options likely to result in significant clinical improvement.

(3) An adequate and thorough multidisciplinary evaluation has been made. This should include pertinent validated diagnostic testing that addresses the following: (a) A physical exam that rules out conditions that require treatment prior to initiating the program. All diagnostic procedures necessary to rule out treatable pathology, including imaging studies and invasive injections (used for diagnosis), should be completed prior to considering a patient a candidate for a program. The

exception is diagnostic procedures that were repeatedly requested and not authorized. Although the primary emphasis is on the work-related injury, underlying non-work related pathology that contributes to pain and decreased function may need to be addressed and treated by a primary care physician prior to or coincident to starting treatment; (b) Evidence of a screening evaluation should be provided when addiction is present or strongly suspected; (c) Psychological testing using a validated instrument to identify pertinent areas that need to be addressed in the program (including but not limited to mood disorder, sleep disorder, relationship dysfunction, distorted beliefs about pain and disability, coping skills and/or locus of control regarding pain and medical care) or diagnoses that would better be addressed using other treatment should be performed; (d) An evaluation of social and vocational issues that require assessment.

(4) If a goal of treatment is to prevent or avoid controversial or optional surgery, a trial of 10 visits (80 hours) may be implemented to assess whether surgery may be avoided.

(5) If a primary reason for treatment in the program is addressing possible substance use issues, an evaluation with an addiction clinician may be indicated upon entering the program to establish the most appropriate treatment approach (pain program vs. substance dependence program). This must address evaluation of drug abuse or diversion (and prescribing drugs in a non-therapeutic manner). In this particular case, once drug abuse or diversion issues are addressed, a 10-day trial may help to establish a diagnosis, and determine if the patient is not better suited for treatment in a substance dependence program. Addiction consultation can be incorporated into a pain program. If there is indication that substance dependence may be a problem, there should be evidence that the program has the capability to address this type of pathology prior to approval.

(6) Once the evaluation is completed, a treatment plan should be presented with specifics for treatment of identified problems, and outcomes that will be followed.

(7) There should be documentation that the patient has motivation to change, and is willing to change their medication regimen (including decreasing or actually weaning substances known for dependence). There should also be some documentation that the patient is aware that successful treatment may change compensation and/or other secondary gains. In questionable cases, an opportunity for a brief treatment trial may improve assessment of patient motivation and/or willingness to decrease habituating medications.

(8) Negative predictors of success (as outlined above) should be identified, and if present, the pre-program goals should indicate how these will be addressed.

(9) If a program is planned for a patient that has been continuously disabled for greater than 24 months, the outcomes for the necessity of use should be clearly identified, as there is conflicting evidence that chronic pain programs provide return-to-work beyond this period. These other desirable types of outcomes include decreasing post-treatment care including medications, injections and surgery.

(10) Treatment is not suggested for longer than 2 weeks without evidence of compliance and significant demonstrated efficacy as documented by subjective and objective gains. (Note: Patients may get worse before they get better. For example, objective gains may be moving joints that are stiff from lack of use, resulting in increased subjective pain.) However, it is also not suggested that a continuous course of treatment be interrupted at two weeks solely to document these gains, if there are preliminary indications that they are being made on a concurrent basis.

(11) Integrative summary reports that include treatment goals, compliance, progress assessment

with objective measures and stage of treatment, must be made available upon request at least on a bi-weekly basis during the course of the treatment program.

(12) Total treatment duration should generally not exceed 20 full-day (160 hours) sessions (or the equivalent in part-day sessions if required by part-time work, transportation, childcare, or comorbidities). (Sanders, 2005) Treatment duration in excess of 160 hours requires a clear rationale for the specified extension and reasonable goals to be achieved. Longer durations require individualized care plans explaining why improvements cannot be achieved without an extension as well as evidence of documented improved outcomes from the facility (particularly in terms of the specific outcomes that are to be addressed).

(13) At the conclusion and subsequently, neither re-enrollment in repetition of the same or similar rehabilitation program (e.g. work hardening, work conditioning, out-patient medical rehabilitation) is medically warranted for the same condition or injury (with possible exception for a medically necessary organized detox program). Prior to entry into a program the evaluation should clearly indicate the necessity for the type of program required, and providers should determine upfront which program their patients would benefit more from. A chronic pain program should not be considered a "stepping stone" after less intensive programs, but prior participation in a work conditioning or work hardening program does not preclude an opportunity for entering a chronic pain program if otherwise indicated.

(14) Suggestions for treatment post-program should be well documented and provided to the referral physician. The patient may require time-limited, less intensive post-treatment with the program itself. Defined goals for these interventions and planned duration should be specified.

(15) Post-treatment medication management is particularly important. Patients that have been identified as having substance abuse issues generally require some sort of continued addiction follow-up to avoid relapse.

Inpatient pain rehabilitation programs: These programs typically consist of more intensive functional rehabilitation and medical care than their outpatient counterparts. They may be appropriate for patients who: (1) don't have the minimal functional capacity to participate effectively in an outpatient program; (2) have medical conditions that require more intensive oversight; (3) are receiving large amounts of medications necessitating medication weaning or detoxification; or (4) have complex medical or psychological diagnosis that benefit from more intensive observation and/or additional consultation during the rehabilitation process. (Keel, 1998) (Kool, 2005) (Buchner, 2006) (Kool, 2007) As with outpatient pain rehabilitation programs, the most effective programs combine intensive, daily biopsychosocial rehabilitation with a functional restoration approach. If a primary focus is drug treatment, the initial evaluation should attempt to identify the most appropriate treatment plan (a drug treatment /detoxification approach vs. a multidisciplinary/interdisciplinary treatment program). See Chronic pain programs, opioids; Functional restoration programs.