



IMED, INC.

11625 Custer Road • Suite 110-343 • Frisco, Texas 75035
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: 12/21/09

IRO CASE NO.:

DESCRIPTION OF THE SERVICE OR SERVICES IN DISPUTE:

Item in dispute: Out-patient work hardening eight hours per day for two weeks at Ergonomic Rehab of Houston as requested by Kyle Dickson MD.

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

Texas Board Certified Orthopedic Surgeon

REVIEW OUTCOME

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

Denial Overturned

INFORMATION PROVIDED TO THE IRO FOR REVIEW

1. Operative report dated 02/19/09.
2. Operative report dated 02/20/09.
3. Clinical records Dr. dated 03/04/09 thru 10/30/09.
4. Operative report dated 03/04/09.
5. Discharge summary Hospital dated 03/06/09.
6. Utilization review determination dated 10/12/09.
7. Work hardening program interim progress note dated 10/30/09.
8. Utilization review determination dated 11/03/09.
9. Prospective review dated 12/02/09.
10. Administrative paperwork.
11. **Official Disability Guidelines**

PATIENT CLINICAL HISTORY (SUMMARY):

The employee sustained multiple injuries on xx/xx/xx. Records indicate that she was admitted to Hospital on xx/xx/xx with a diagnosis of traumatic subarachnoid hemorrhage, a C2 non-displaced burst fracture, right T3 transverse process fracture, T4 compression fracture, Grade I spleen laceration, left elbow fracture, left open femur

fracture, right 7-9 rib fractures, right pulmonary contusion, left clavicle fracture, right acetabular fracture, and right patella fracture.

The employee was subsequently taken to surgery on 02/19/09 and underwent intramedullary nailing of the left femur, an ORIF of the left olecranon, and ORIF of the right patella. She subsequently underwent an IND with wound vac placement, multiple irrigation and debridements with wound vac exchanges, local flap and split thickness graft on 02/24/09 and an ORIF right acetabulum on 03/02/09. She was subsequently discharged on 03/06/09.

Records indicate that the employee subsequently was referred for physical therapy and was followed post discharge by Dr. The employee subsequently was referred for a work hardening program. Records indicate that the employee was employed as a police officer. A note dated 10/30/09 indicates that the employee has completed nine sessions of a work hardening program. At initial evaluation, right hip flexion was 110 degrees, right knee flexion was 110 degrees, extension was 0, pain levels were 1-2/10. The employee's maximum lift was 25 pounds and maximum carry was 45. His physical demand level was rated as light and his cardiovascular fitness was rated as poor. After nine sessions of work hardening, the employee's right hip flexion had progressed 5 degrees to 115 degrees, right knee range of motion is 115 degrees, his pain levels are 3-4/10, his maximum lift was 51 pounds, maximum carry was 65, his physical demand level was rated as medium and his cardiovascular fitness remains poor. A request was placed for ten additional sessions of work hardening. A utilization review determination dated 10/12/09 reported that the employee was involved in a significant motor vehicle accident and suffered multiple injuries, that he has been treated with forty-eight sessions of physical therapy and not returned to work in any capacity. The reviewer, Dr. recommends transition to work with four hours per day of light to modified duty and four hours of work hardening per day for two weeks.

A subsequent appeal was submitted on 11/03/09. This was reviewed by Dr. Dr. reported that the employee had multiple injuries and has completed nine sessions of work hardening. He reported that the previous denial for extended work hardening was reviewed and the re-submission did not include answers to concerns of the previous reviewer, and he opined that this did not meet the ***Official Disability Guidelines*** and recommended denial.

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

In accordance with the *Official Disability Guidelines*, the request for outpatient work hardening 8 hours per day for 2 weeks is medically necessary. The records indicate that the employee is employed as a police officer and sustained multiple and significant trauma as a result of an MVA occurring on 02/18/09. According to the records available for review, the employee sustained multiple fractures to include a comminuted patella fracture, left olecranon fracture and right femur fracture for which he was taken to surgery. Records additionally noted a spleen laceration, a subdural hematoma, right rib fractures and pulmonary contusion. The employee received twenty-eight sessions of post injury physical therapy and was progressed to a work hardening program. The employee attended and completed nine sessions of work hardening and he was noted

to have made progress from a light physical demand level to a medium physical demand level over the nine sessions. The records indicate that the employee was making positive progress and state he would have the capability to achieve heavy physical demand level upon completion of the additional ten sessions.

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

The 2010 *Official Disability Guidelines*, 15th edition, The Work Loss Data Institute. Online edition.

Work conditioning, work hardening

Recommended as an option, depending on the availability of quality programs. [NOTE: See specific body part chapters for detailed information on Work conditioning & work hardening.] See especially the [Low Back Chapter](#), for more information and references. The Low Back WH & WC Criteria are copied below.

Criteria for admission to a Work Hardening (WH) Program:

(1) *Prescription*: The program has been recommended by a physician or nurse case manager, and a prescription has been provided.

(2) *Screening Documentation*: Approval of the program should include evidence of a screening evaluation. This multidisciplinary examination should include the following components: (a) History including demographic information, date and description of injury, history of previous injury, diagnosis/diagnoses, work status before the injury, work status after the injury, history of treatment for the injury (including medications), history of previous injury, current employability, future employability, and time off work; (b) Review of systems including other non work-related medical conditions; (c) Documentation of musculoskeletal, cardiovascular, vocational, motivational, behavioral, and cognitive status by a physician, chiropractor, or physical and/or occupational therapist (and/or assistants); (d) Diagnostic interview with a mental health provider; (e) Determination of safety issues and accommodation at the place of work injury. Screening should include adequate testing to determine if the patient has attitudinal and/or behavioral issues that are appropriately addressed in a multidisciplinary work hardening program. The testing should also be intensive enough to provide evidence that there are no psychosocial or significant pain behaviors that should be addressed in other types of programs, or will likely prevent successful participation and return-to-employment after completion of a work hardening program. Development of the patient's program should reflect this assessment.

(3) *Job demands*: A work-related musculoskeletal deficit has been identified with the addition of evidence of physical, functional, behavioral, and/or vocational deficits that preclude ability to safely achieve current job demands. These job demands are generally reported in the medium or higher demand level (i.e., not clerical/sedentary work). There should generally be evidence of a valid mismatch between documented, specific essential job tasks and the patient's ability to perform these required tasks (as limited by the work injury and associated deficits).

(4) *Functional capacity evaluations (FCEs)*: A valid FCE should be performed, administered and interpreted by a licensed medical professional. The results should indicate consistency with maximal effort, and demonstrate capacities below an employer verified physical demands analysis (PDA). Inconsistencies and/or indication

that the patient has performed below maximal effort should be addressed prior to treatment in these programs.

(5) *Previous PT*: There is evidence of treatment with an adequate trial of active physical rehabilitation with improvement followed by plateau, with evidence of no likely benefit from continuation of this previous treatment. Passive physical medicine modalities are not indicated for use in any of these approaches.

(6) *Rule out surgery*: The patient is not a candidate for whom surgery, injections, or other treatments would clearly be warranted to improve function (including further diagnostic evaluation in anticipation of surgery).

(7) *Healing*: Physical and medical recovery sufficient to allow for progressive reactivation and participation for a minimum of 4 hours a day for three to five days a week.

(8) *Other contraindications*: There is no evidence of other medical, behavioral, or other comorbid conditions (including those that are non work-related) that prohibits participation in the program or contradicts successful return-to-work upon program completion.

(9) *RTW plan*: A specific defined return-to-work goal or job plan has been established, communicated and documented. The ideal situation is that there is a plan agreed to by the employer and employee. The work goal to which the employee should return must have demands that exceed the claimant's current validated abilities.

(10) *Drug problems*: There should be documentation that the claimant's medication regimen will not prohibit them from returning to work (either at their previous job or new employment). If this is the case, other treatment options may be required, for example a program focused on detoxification.

(11) *Program documentation*: The assessment and resultant treatment should be documented and be available to the employer, insurer, and other providers. There should be documentation of the proposed benefit from the program (including functional, vocational, and psychological improvements) and the plans to undertake this improvement. The assessment should indicate that the program providers are familiar with the expectations of the planned job, including skills necessary. Evidence of this may include site visitation, videotapes or functional job descriptions.

(12) *Further mental health evaluation*: Based on the initial screening, further evaluation by a mental health professional may be recommended. The results of this evaluation may suggest that treatment options other than these approaches may be required, and all screening evaluation information should be documented prior to further treatment planning.

(13) *Supervision*: Supervision is recommended under a physician, chiropractor, occupational therapist, or physical therapist with the appropriate education, training and experience. This clinician should provide on-site supervision of daily activities, and participate in the initial and final evaluations. They should design the treatment plan and be in charge of changes required. They are also in charge of direction of the staff.

(14) *Trial*: Treatment is not supported for longer than 1-2 weeks without evidence of patient compliance and demonstrated significant gains as documented by subjective and objective improvement in functional abilities. Outcomes should be presented that reflect the goals proposed upon entry, including those specifically addressing deficits identified in the screening procedure. A summary of the patient's physical and functional activities performed in the program should be included as an assessment of progress.

(15) *Concurrently working*: The patient who has been released to work with specific restrictions may participate in the program while concurrently working in a restricted

capacity, but the total number of daily hours should not exceed 8 per day while in treatment.

(16) *Conferences*: There should be evidence of routine staff conferencing regarding progress and plans for discharge. Daily treatment activity and response should be documented.

(17) *Voc rehab*: Vocational consultation should be available if this is indicated as a significant barrier. This would be required if the patient has no job to return to.

(18) *Post-injury cap*: The worker must be no more than 2 years past date of injury. Workers that have not returned to work by two-years post injury generally do not improve from intensive work hardening programs. If the worker is greater than one-year post injury a comprehensive multidisciplinary program may be warranted if there is clinical suggestion of psychological barrier to recovery (but these more complex programs may also be justified as early as 8-12 weeks, see [Chronic pain programs](#)).

(19) *Program timelines*: These approaches are highly variable in intensity, frequency and duration. APTA, AOTA and utilization guidelines for individual jurisdictions may be inconsistent. In general, the recommendations for use of such programs will fall within the following ranges: These approaches are necessarily intensive with highly variable treatment days ranging from 4-8 hours with treatment ranging from 3-5 visits per week. The entirety of this treatment should not exceed 20 full-day visits over 4 weeks, or no more than 160 hours (allowing for part-day sessions if required by part-time work, etc., over a longer number of weeks). A reassessment after 1-2 weeks should be made to determine whether completion of the chosen approach is appropriate, or whether treatment of greater intensity is required.

(20) *Discharge documentation*: At the time of discharge the referral source and other predetermined entities should be notified. This may include the employer and the insurer. There should be evidence documented of the clinical and functional status, recommendations for return to work, and recommendations for follow-up services. Patient attendance and progress should be documented including the reason(s) for termination including successful program completion or failure. This would include noncompliance, declining further services, or limited potential to benefit. There should also be documentation if the patient is unable to participate due to underlying medical conditions including substance dependence.

(21) *Repetition*: Upon completion of a rehabilitation program (e.g., work conditioning, work hardening, outpatient medical rehabilitation, or chronic pain/functional restoration program) neither re-enrollment in nor repetition of the same or similar rehabilitation program is medically warranted for the same condition or injury.

ODG Work Conditioning (WC) Physical Therapy Guidelines

WC amounts to an additional series of intensive physical therapy (PT) visits required beyond a normal course of PT, primarily for exercise training/supervision (and would be contraindicated if there are already significant psychosocial, drug or attitudinal barriers to recovery not addressed by these programs). See also [Physical therapy](#) for general PT guidelines. WC visits will typically be more intensive than regular PT visits, lasting 2 or 3 times as long. And, as with all physical therapy programs, Work Conditioning participation does not preclude concurrently being at work.

Timelines: 10 visits over 4 weeks, equivalent to up to 30 hours.