

INDEPENDENT REVIEWERS OF TEXAS, INC.

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Notice of Independent Review Decision

DATE OF REVIEW: 02/10/10

IRO CASE NO.:

DESCRIPTION OF THE SERVICE OR SERVICES IN DISPUTE:

Item in dispute: Work hardening x 10 additional sessions.

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 Upheld

INFORMATION PROVIDED TO THE IRO FOR REVIEW

1. Evaluation dated 11/17/09
2. Functional Capacity Evaluations dated 11/17/09 and 12/01/09
3. Work hardening progress notes dated 11/18/09 -12/14/09
4. Appeal letter dated 12/08/09
5. Prior reviews dated 12/08/09 and 01/05/10
6. **Official Disability Guidelines**

PATIENT CLINICAL HISTORY (SUMMARY):

The employee was evaluated for a work hardening program on 11/17/09. Records noted that the employee did not demonstrate any significant psychological issues that would be contraindications of treatment. Psychological studies did demonstrate extremely high functional complaints and very high symptom dependency. Findings show that the individuals in these categories perceive themselves as disabled, and the employee may have gravitated toward a disabled role. The employee underwent a Functional Capacity Evaluation (FCE) on 11/17/09. The study stated that the employee's required physical demand level was very heavy. Efforts demonstrated by the employee demonstrate the employee is at a medium physical demand level.

The employee began a work hardening program on 11/18/09. A progress note dated 11/30/09 stated the employee has had perfect compliance. The progress notes stated the employee's BDI and BAI testing values had increased indicating worsening of depression and anxiety from a baseline of 11 on the BDI scale and 10 on the BAI scale. The employee's GAF dropped slightly to 53. The employee did make progress with dynamic lifts and sitting, standing, and walking endurance. The employee's cardiovascular status had improved and work simulation had also improved.

An FCE performed on 12/01/09 stated the employee continued to be at a medium physical demand level.

A work progress note dated 12/07/09 stated the employee again had good compliance, and the employee's BDI score dropped back towards baseline levels. The employee still demonstrated moderate to severe anxiety based on the report. The employee further improved with dynamic lifting endurance, cardiovascular strength and work simulation.

The employee was recommended for an additional ten work hardening sessions and a utilization review report dated 12/08/09 stated that ten sessions was not indicated as the employee had undergone previous physical therapy which included only passive therapy and not active therapy.

During peer-to-peer discussion, the employee was stated to have had ten sessions of work conditioning but not work hardening, and the reviewing physician requested additional clinical to support ten sessions of work hardening. No return call was made and the request continued to be denied. A letter of appeal dated 12/08/09 stated the employee had an initial ten sessions of work hardening with positive improvement. The employee was recommended to continue with work hardening.

A work hardening progress note dated 12/14/09 stated the employee had continued compliance. A work hardening progress note for week four dated 12/14/09 stated that there was no change in the employee's status as the employee was pending additional sessions.

A utilization review for ten work hardening sessions dated 01/05/10 stated that the employee was ten weeks status post injury and was involved in therapy since the injury, thus making it difficult for the claimant to be deconditioned. There was also demonstrated minimal improvement after the initial ten sessions of work hardening to support additional sessions.

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

The employee underwent three weeks of work hardening beginning in November of 2009. The work hardening progress notes submitted for review demonstrate the employee did not make any significant functional gains after the initial two weeks. Additionally, there were no FCEs after the initial work hardening sessions that demonstrate any true functional improvement was made for this employee.

Without objective evidence of significant functional improvement that would demonstrate efficacy of the work hardening sessions, additional sessions would not be supported per ODG Guidelines.

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

1. ***Official Disability Guidelines***, On-line Version, Low Back Chapter.