

Notice of Independent Review Decision**DATE OF REVIEW:**

10/05/2010

IRO CASE #:**DESCRIPTION OF THE SERVICE OR SERVICES IN DISPUTE**

Ten additional sessions of work hardening.

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

Board Certified Chiropractor

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.

The medical necessity for the requested course of work hardening is not established.

INFORMATION PROVIDED TO THE IRO FOR REVIEW

- Texas Dept. of Insurance – Fax Cover Sheet 09-22-10 (1pg)
- Note from 09-21-10 (2pg)
- Confirmation of Receipt of a Request for a Review by an IRO – 09-21-10 (5pg)
- Request for a Review by an IRO 09-20-10 (3pg)
- Corp. – Adverse Determination Notice-Network 08-04-10 (3pg)
- Corp. – Adverse Determination After Reconsideration Notice Network 09-08-10 (4pg)
- TX Dept. of Insurance – Notice to MCMC,LLC of Case Assignment 09-22-10 (1pg)
- Letter from 09-24-10 (7pg)
- Copy of #5 of this list
- Copy of #6 of this list
- Pre Authorization Request 07-29-10 (1pg)
- Team Treatment Meeting (2pg)
- Pre Authorization Request 08-31-10 (1pg)
- Rehabilitation note 08-27-10 (4pg)
- Team Treatment Meeting (2pg)
- Copy of #11 of this list
- MD Notes (1pg)
- Report of Medical Evaluation (1pg)
- Texas Workers Compensation Work Status Report (1pg)
- Letter from 04-12-10 (3pg)
- Post Designated Doctor's Required Medical Examination (7pg)
- Copy of #5 of this list
- Pre Authorization Request 07-08-10 (2pg)
- Request for 10 Trial Sessions of a Work Hardening Program 06-02-10 (7pg)
- Functional Capacity Evaluation 07-01-10 (8pg)
- Oswestry Low Back Pain Disability Questionnaire 07-01-10 (1pg)

- Fear Avoidance Beliefs Questionnaire 07-01-10 (2pg)
- ODG Guidelines were not submitted

PATIENT CLINICAL HISTORY (SUMMARY):

Records indicate that the injured individual is a male who based on documentation was injured as a result of an occupational incident that reportedly occurred on or about xx/xx/xx. The records reflect that he reported being jolted while causing injuries to the shoulder and low back. A course of conservative care resulted in less than favorable results. An MRI dated 10/12/2009 revealed a disc herniation at L4-5. A lumbar discectomy was performed on 11/23/2009. To date, the injured individual has participated in a litany of care to include chiropractic management, medication management, physical therapy (PT), and injections. Most recently, the injured individual participated in ten sessions of a work hardening program. Ten additional sessions have been requested.

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

The records reveal that the injured individual has participated in a course of work hardening of up to ten sessions. Comparative subjective and objective data does indicate that some therapeutic progress was achieved in response to the initial course of care. Some of the data suggests that only minimal increases were achieved in regards to lifting measures. Comparative data suggests that the injured individual's physical demand level (PDL) increased from Light to Light Medium, able to lift thirty pounds in one clinical note and thirty five pounds recorded in another. As such, it is difficult at best to develop reasonable expectations that the additional course of care would result in progress that would allow the injured individual to return to his required PDL of Heavy, lifting more than sixty pounds frequently. Moreover, the records indicate that there may not be a specific job to which he will return. The records indicate that he was terminated and that he has no specific job to which to return. Lastly and perhaps most importantly, the records indicate that there were only mild psychosocial barriers when the initial ten sessions were initiated and even less as tested after the initial ten sessions. Therefore, it is not obvious that as of the completion of the initial ten sessions that there were significant psychosocial barriers to necessitate a tertiary and multi-discipline program such as work hardening. As such, the medical necessity for the additional ten sessions of work hardening is not established.

A DESCRIPTION AND THE SOURCE OF THE SCREENING CRITERIA OR OTHER CLINICAL BASIS USED TO MAKE THE DECISION:**ODG- OFFICIAL DISABILITY GUIDELINES & TREATMENT GUIDELINES**

Recommended as an option, depending on the availability of quality programs, using the criteria below. The ODG WH criteria are outlined 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.