

MDR Tracking Number: M5-02-1969-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305 titled Medical Dispute Resolution - General and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division (Division) assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. The dispute was received on 1/31/02.

The Division has reviewed the enclosed IRO decision and determined **the requestor did not prevail** on the issues of medical necessity. The IRO agrees with the previous determination that the back care and nutritional seminar were not medically necessary. Therefore, the requestor is not entitled to reimbursement of the IRO fee.

Based on review of the disputed issues within the request, the Division has determined that fees were the only fees involved in the medical dispute to be resolved. As the back care and nutritional seminar were not found to be medically necessary, reimbursement for date of service 9/25/01 is denied and the Division declines to issue an Order in this dispute.

This Decision is hereby issued this 17th day of October 2003.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division
NLB/nlb

NOTICE OF INDEPENDENT REVIEW DECISION

June 25, 2003

Rosalinda Lopez
Program Administrator
Medical Review Division
Texas Workers Compensation Commission
4000 South IH-35, MS 48
Austin, TX 78704-7491

RE: MDR Tracking #: M5-02-1969-01
IRO Certificate #: IRO 4326

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the rendered care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a matched peer with the treating health care professional. This case was reviewed by a health care professional licensed in chiropractic care. ___ health care professional

has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This patient was injured on ___ when she attempted to step up on a curb while carrying a bag. She missed, twisted her ankle, and fell, landing on her buttocks and right hand. A left shoulder MRI from 09/27/01 revealed a complete tear of the rotator cuff. Her doctor sent her to attend a physical education program/class.

Requested Service(s)

Back care and nutritional seminar

Decision

It is determined that the back care or nutritional seminar was not medically necessary to treat this patient's condition.

Rationale/Basis for Decision

Current medical literature does not support the clinical efficacy of patient education programs. Gross et al conducted a systematic review to track down the best estimate of efficacy of the various conservative management strategies for mechanical neck disorders, a four-part systematic review was prepared. Part four investigates the efficacy of patient education strategies as the therapeutic intervention. The objective of this review was to assess the effects of patient education for pain in adults with mechanical neck disorders through a search of Medline, Embase, ChiroLars, Index to Chiropractic Literature, Cinahl, Science Citation Index, Conference Proceedings index, National Technical Information Services from 1985 to December 1993, reference lists of the retrieved articles and experts in the field. The researchers concluded that patient education utilizing individualized or group instruction strategies has not been shown to be beneficial in reducing pain for mechanical neck disorders (*Gross, AR, et al, "Patient education for mechanical neck disorders", Cochrane Database Syst Rev. 2000;(2):CD000962*).

The VHA/DOD Clinical Practice Guideline for the Management of Low Back Pain or Sciatica in the Primary Care Setting indicated that evidence on the long-term benefits of back care classes is inconclusive (*Veterans Health Administration/Department of Defense, Washington, DC, May 1999 VHA/DOD Clinical Practice Guideline for the Management of Low Back Pain or Sciatica in the Primary Care Setting Veterans Health Administration/Department of Defense, Washington, DC, May 1999*).

Daltroy et al evaluated an educational program designed to prevent lower back injury in a randomized controlled trial involving 4000 workers and found no long-term benefits associated with training (*Daltroy, LH, et al, "A controlled trial of an educational program to prevent low back injuries", N Engl J Med, 337:322-328, 1997*). Therefore, it is determined that the back care or nutritional seminar was not medically necessary.

Sincerely,