THIS DECISION HAS BEEN APPEALED. THE FOLLOWING IS THE RELATED SOAH DECISION NUMBER:

SOAH DOCKET NO. 453-03-0931.M5

MDR Tracking Number: M5-02-2302-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective January 1, 2002 and Commission Rule 133.305 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 Division has reviewed the enclosed IRO decision and determined that **the requestor did not prevail** on the issues of medical necessity. The IRO agrees with the previous determination that the work hardening rendered was not medically necessary.

Based on review of the disputed issues within the request, the Division has determined that work hardening fees were the only fees involved in the medical dispute to be resolved. As the treatment, work hardening was not found to be medically necessary, reimbursement for dates of service from 4/24/01 through 5/18/01 is denied and the Division declines to issue an Order in this dispute.

This Decision is hereby issued this 17th day of September 2002.

Carol R. Lawrence
Medical Dispute Resolution Officer
Medical Review Division

CRL/crl

NOTICE OF INDEPENDENT REVIEW DECISION

August 9, 2002

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

RE: MDR Tracking #: M5-02-2302-01
IRO Certificate #: 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 23 year old male was injured in the course of his employment on ___ when he noticed an onset of low back pain while carrying 75 pounds of concrete and after driving 10 pound metal stakes into the ground. The patient underwent an MRI as well as plain film radiographics. The patient participated in a work hardening program from 04/24/01 through 05/09/01.

Requested Service(s)

Work hardening program from 04/24/01 through 05/18/01.

Decision

It is determined that the work hardening program from 04/24/01 through 05/18/01 was not medically necessary to treat this patient's condition.

Rationale/Basis for Decision

The medical record documentation does not indicate that the patient even minimally participated in at least the psychological portion of the work hardening program. A work hardening program as billed is typically a multidisciplinary, tertiary type program aimed at physical conditioning, therapeutic exercise, work simulation, and addressing the psychological component of an injury that is generally present in protracted time of convalescence and courses of care such as is depicted in the documentation. According to the daily notes of the work hardening program, it is not clear that the claimant ever was administered an initial comprehensive psychological component of the work hardening program. The motivation of the patient in regards to this program was very low and should have been promptly discontinued due to noncompliance. The work hardening program as reviewed does not represent a typical work hardening program and due to the factors stated above, was not medically necessary to treat this patient's condition.

Sincerely,