

MDR Tracking Number: M5-02-2394-01

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 conditioning rendered was not medically necessary.

Based on review of the disputed issues within the request, the Division has determined that work conditioning fees were the only fees involved in the medical dispute to be resolved. As the treatment, (work conditioning) was not found to be medically necessary, reimbursement for dates of service from 1/2/02 through 1/11/02 is denied and the Division declines to issue an Order in this dispute.

This Decision is hereby issued this 15th day of November 2002.

Carol R. Lawrence
Medical Dispute Resolution Officer
Medical Review Division

CRL/crl

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

November 12, 2002

Re: IRO Case # M5-02-2394

Texas Worker's Compensation Commission:

___ has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule 133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IRO's, TWCC assigned this case to ___ for an independent review. ___ has performed an independent review of the

proposed care to determine if the adverse determination was appropriate. For that purpose, ___ received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a Doctor of Chiropractic who is licensed by the State of Texas. He or she has signed a certification statement attesting 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 referral to ___ for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The ___ reviewer who reviewed this case has determined that, based on the medical records provided, the requested treatment was not medically necessary. Therefore, ___ agrees with the adverse determination regarding this case. The reviewer's decision and the specific reasons for it, is as follows:

History

The patient was lifting several cement blocks which weighed about 30 lbs each in ___. He later felt severe burning in his neck and mid-back which radiated into his right shoulder. He sought care from a chiropractor who treated his injury. On 1/2/02 he started a work hardening program with the chiropractor.

Requested Service(s)

Work conditioning program 1/2/02 through 1/11/02.

Decision

I agree with the carrier's decision to deny the requested services.

Rationale

The documentation submitted does not support the need for a work conditioning program. Treatment notes prior to the work conditioning program were not provided for this review so progress made by the claimant during his treatment could not be assessed. However an FCE performed 12/13/01 showed numerous orthopedic and neurologic tests that were positive even after several months of treatment. Range of motion measurements showed restrictions in almost every motion tested, indicating that treatment had not been successful in restoring normal ranges of motion. An example was the Supraspinatus Press Test that was positive confirming a rotator cuff tear of the supraspinatus tendon. It is doubtful that conservative treatment of any kind would benefit this type of injury, and the patient should have been referred to an orthopedic surgeon for evaluation.

Again, positive tests were all found after treatment was terminated and just prior to the start of the work conditioning program. A study of the FCE demonstrates that the patient was not

physically capable of undergoing a work conditioning program, and it was therefore medically unnecessary. The FCE on 12/13/01 showed that previous treatment was insufficient and that more aggressive treatment, possibly surgery, should have been considered.

This medical necessity decision by an Independent Review Organization is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing. A request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin. Code 148.3). This decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing should be sent to: Chief Clerk of Proceedings, Texas Worker's Compensation Commission, P O Box 40669, Austin, TX 78704-0012. A copy of this decision should be attached to the request.

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

Sincerely,