

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

**SOAH DOCKET NO. 453-03-1585.M2**

November 22, 2002

David Martinez  
TWCC Medical Dispute Resolution  
4000 IH 35 South, MS 48  
Austin, TX 78704

MDR Tracking #: M2-03-0188-01  
IRO #: 5251

\_\_\_ has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this 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 proposed care to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed MD with specialization and board certification in Pain Management and Anesthesiology. The \_\_\_ health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors 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 the dispute.

**CLINICAL HISTORY**

\_\_\_ is a 46-year-old male who suffered a back injury on \_\_\_ during the usual course and scope of his work for \_\_\_. An extensive workup of the injury has been made, including x-rays and MRIs. From 1997 to 2002, he has undergone multiple surgical procedures including L2-S1 fusion. Due to intractable pain from post-laminectomy syndrome, he has undergone numerous pain treatments including potent oral opioids, facet and median nerve branch blocks and ablation, placement of spinal cord stimulator and a trial of intrathecal opioids to test his suitability for implantation of an intrathecal infusion catheter and pump. He takes time release morphine, Remeron, Detrol and Topomax. The patient continues to complain bitterly of intractable low back and lower extremity pain with severe limitation of his activities of daily living.

On 8/22/02 a psychophysiological profile assessment was performed by \_\_\_\_\_. This included an interview, Beck Depression Inventory and Behavioral Assessment of Pain Questionnaire (BAP). The records submitted for review show no evidence that an MPI-2

(Minnesota Multiphasic Personality Inventory) was done at any time, including prior placement of the patient's spinal cord stimulator.

#### REQUESTED SERVICE

Intrathecal infusion pump and catheter implantation are requested for \_\_\_\_\_.

#### DECISION

The reviewer agrees with the prior adverse determination.

#### BASIS FOR THE DECISION

Based on records submitted for review, an adequate psychological screening, including an MMPPI-2 has not been done. Therefore, the intrathecal infusion pump and catheter implantation are not medically indicated at this time.

\_\_\_\_\_ pain management physician, \_\_\_\_\_, has been very thorough in following established protocols for the selection and evaluation of patients deemed possible candidates for intrathecal drug administration except one, namely psychological screening using the MMPI-2. There is a specific mention of the lack of hits important screening tool in the letter of psychiatrist \_\_\_\_\_, dated 8/21/02...

*'while he did have some psychological testing in 01/2002, such testing did not include an MMPI. The insertion of a morphine pump should be accomplished if/when it is clear that no associated psychopathology confounds the treatment plan. As such, a psychological assessment and MMPI will aid in determining this claimant's present state of mind, as well as ruling out significant characterological issues.'*

\_\_\_\_\_ has a history of suicidal ideation and is taking a major tranquilizer, Remeron. \_\_\_\_\_ needs to complete N MMPI, with proper interpretation, before considering implantation of the intrathecal pump.

As an officer of \_\_\_\_\_, I certify that there is no known conflict between the reviewer, \_\_\_\_\_ and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

\_\_\_\_\_ is forwarding by mail and, in the case of time sensitive matters by facsimile, a copy of this finding to the treating doctor, payor and/or URA, patient and the TWCC.

Sincerely,

## 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.

In the case of prospective *spinal surgery* decision, a request for a hearing must be made in writing and it must be received by the TWCC Chief Clerk of Proceedings within 10 days of your receipt of this decision. (20 Tex. Admin. Code 142.5(c)).

In the case of other *prospective (preauthorization) medical necessity* disputes 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, per TWCC rule 133.308(t)(2).

**I hereby certify, in accordance with TWCC Rule 102.4 (h), that a copy of this Independent Review Organization decision was sent to the carrier, requestor, claimant (and/or the claimant's representative) and the TWCC via facsimile, U.S. Postal Service or both on this 22<sup>nd</sup> day of November 2002.**