

NOTICE OF INDEPENDENT REVIEW DECISION

Date: July 21, 2003

RE: MDR Tracking #: M2-03-0827-01

IRO Certificate #: 5242

___ 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 proposed 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 an Orthopedic Surgeon reviewer who is board certified in Orthopedic Surgery. The Orthopedic Surgeon reviewer 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

Claimant underwent operative arthroscopy, left knee, on ___ for an alleged work compensable injury. Claimant has completed four (4) weeks of supervised rehab in a work hardening program. Claimant exhibits full range of motion and some residual quad atrophy clinically.

Requested Service(s)

An additional two weeks of work hardening.

Decision

I agree with the insurance carrier that the requested intervention is not medically necessary.

Rationale/Basis for Decision

In review of the progress notes of rehab, the work-simulated activities are pushing-pulling, carrying, lifting, and aerobics, and the use of a step machine. Generally, work hardening is indicated to reproduce a specific job activity and allow a safe return to that specific job activity. In review of the records, there is no clearly defined job activity that requires recreation of work simulation in this clinical setting. Claimant is performing nonspecific activities at her therapy sessions that include pushing-pulling, carrying, lifting, aerobics, and the use of a step machine. All of these activities can be recreated in a home exercise format. There is no clearly defined clinical rationale that explains why a well-structured home exercise program would be any less effective than continued supervised intervention for this claimant who exhibits a full range of motion and some residual quad atrophy of the knee.

Many home exercise programs, particularly with the use of Therabrand, are more than adequate to regain residual quad atrophy following operative arthroscopy.

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.

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

If disputing other prospective medical necessity (preauthorization) decisions 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 hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

This decision by the IRO is deemed to be a TWCC decision and order.