

October 31, 2003

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-03-1670-01

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The ___ IRO Certificate Number is 5348. Texas Worker's Compensation Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to ___ for independent review in accordance with this Rule.

___ has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing physician on the ___ external review panel. The reviewer has met the requirements for the ADL of TWCC or has been approved as an exception to the ADL requirement. This physician is board certified in anesthesiology. The ___ physician reviewer signed a statement certifying that no known conflicts of interest exist between this physician and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to ___ for independent review. In addition, the ___ physician reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a male who sustained a work related injury on ___. The patient reported that while at work he was turning a crank on a dolly when he began to experience left elbow and arm discomfort. An MRI from 2/15/02 showed tendonitis, tenosynovitis, medial epicondylitis and synovial cystic lesions, partial thickness tear of the MCL and extensor tenosynovitis and degenerative joint disease and loose bodies. The patient underwent a nerve conduction velocity study on 3/23/02. On 3/18/03 the patient underwent an ulnar neurolysis contracture release of left elbow, ulnar nerve transposition, modified epicondylectomy, reconstruction of elbow area with modified muscle flap. Treatment for this patient's condition has included chiropractic care, therapy and a work hardening program.

Requested Services

Chronic Pain Program.

Decision

The Carrier's denial of authorization for the requested services is upheld.

Rationale/Basis for Decision

The ___ physician reviewer noted that this case concerns a male who sustained a work related injury left arm and elbow on ___. The ___ physician reviewer indicated that the patient underwent an MRI that demonstrated tendonitis, tenosynovitis, medial epicondylitis, synovial cystic lesions, degenerative joint disease, and loose bodies. The ___ physician reviewer noted that the patient underwent a nerve conduction study followed by a procedure 3/20 which

involved an ulnar neurolysis contracture release of the left elbow, ulnar nerve transposition, modified epicondylectomy, and reconstruction of the elbow area with modified muscle flap. The ___ physician reviewer also noted that the patient was treated with physical therapy, chiropractic care and a work hardening program postoperatively. The ___ physician reviewer explained that the patient continues to complain of elbow pain requiring medical therapy with Celebrex, Darvocet, and Elavil. The ___ physician reviewer indicated that the patient has been fully evaluated postoperatively and is felt to have reached full maximal medical improvement from the injury sustained ___. The ___ physician reviewer explained that there were no indications for active or ongoing diagnostic or therapeutic interventions. Therefore, the ___ physician consultant concluded that the requested Chronic Pain Program is not medically necessary to treat this patient's condition at this time.

This decision is deemed to be a TWCC 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.

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 a hearing should be sent to:

Chief Clerk of Proceedings/Appeals Clerk
P.O. Box 17787
Austin, TX 78744
Fax: 5128044011

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)).

Sincerely,

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 1st day of November 2003.