

NOTICE OF INDEPENDENT REVIEW DETERMINATION

MDR Tracking Number: M2-04-0750-01

IRO Certificate No.: 5259

February 6, 2004

An independent review of the above-referenced case has been completed by a chiropractic doctor. The appropriateness of setting and medical necessity of proposed or rendered services is determined by the application of medical screening criteria published by ____, or by the application of medical screening criteria and protocols formally established by practicing physicians. All available clinical information, the medical necessity guidelines and the special circumstances of said case was considered in making the determination.

The independent review determination and reasons for the determination, including the clinical basis for the determination, is as follows:

See Attached Physician Determination

___ hereby certifies that the reviewing physician is on Texas Workers' Compensation Commission Approved Doctor List (ADL). Additionally, said physician has certified that no known conflicts of interest exist between him and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for determination prior to referral to ___.

CLINICAL HISTORY

After falling off of a ladder at work on ___ while lifting a 50 pound case of wine, the patient underwent physical medicine treatments, psychotherapy and biofeedback training, and right wrist surgery.

REQUESTED SERVICE (S)

Prospective medical necessity of the proposed Chronic Pain Management Program X 15 sessions.

DECISION

Denied.

RATIONALE/BASIS FOR DECISION

Two TWCC examining doctors, ___ on 03/28/03 and ___ on 01/22/04, both determined that the patient had not reached MMI with ___ recommending further types of treatment including injections, specialized hand occupational therapy and possible surgery. Since a chronic pain management program is not indicated until such time as all indicated treatment has been attempted and the patient's condition is judged to be irresolvable, the CPMP is not medically necessary.

Also, the previously attempted physical medicine treatments, psychological and biofeedback sessions had within them the self-help strategies, coping

mechanisms, exercises and modalities that are inherent in and central to the proposed chronic pain management program.

In other words and for all practical purposes, much of the proposed program has already been attempted and failed. Therefore, the chronic pain management program is medically unnecessary since the patient is not likely to benefit in any meaningful way from repeating treatments already rendered.

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) calendar days of your receipt of this decision (20 Tex. Admin. Code 142.5©).

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) calendar 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 or the date of fax (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings/Appeals Clerk
Texas Workers' Compensation Commission
P.O. Box 17787
Austin, Texas 78744

Or fax the request to (512) 804-4011. A copy of this decision must be attached to the request.

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

In accordance with Commission Rule 102.4(h), 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 9th day of February 2004.