

**IRO Certificate #4599**

**NOTICE OF INDEPENDENT REVIEW DECISION**

July 12, 2004

**Re: IRO Case # M2-04-1487**

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, Rule133.308 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 IROs, 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 physician who is Board Certified in Psychiatry, and who has met the requirements for the TWCC Approved Doctor List or who has been granted an exception from the ADL. 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 determination of the \_\_\_ reviewer who reviewed this case, based on the medical records provided, is as follows:

Medical Information Reviewed

1. Table of disputed services
2. Denial letters
3. Letter from patient
4. MISIR report
5. Psychologist report
6. FCE report
7. Doctors notes

### History

The patient is a 25-year-old male who was injured in \_\_\_ while lifting a 75 pound piece of steel artwork. He has unresolved low back pain diagnosed as lumbar strain and radiculitis. He has been treated with physical therapy, pain medications, chiropractic care and a work hardening program. A 2/25/04 evaluation estimated that the patient would reach MMI by 4/26/04. A 6/28/04 psychologist's evaluation found the patient to continue to complain of pain and moderate depressive and anxious symptoms. The psychologist reportedly was unable to offer a diagnosis or treatment plan without psychological testing.

### Requested Service(s)

Psychological tests (4 hours), Biofeedback Assessment (PPA)

### Decision

I disagree with the carrier's decision to deny the requested biofeedback assessment. I agree with the denial of the psychological tests.

### Rationale

While psychological tests can offer some added information, they are not medically necessary to render a diagnosis and treatment plan. The diagnosis and treatment plan should be formulated by clinical interviews. A psychophysiological profile assessment is a tool that can lead to an informed decision regarding the use of biofeedback for this patient.

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 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 (28 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) calendar days of your receipt of this decision (28 Tex. Admin. Code 142.5(c)).

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.5(d)). A request for a hearing and a **copy of this decision** must be sent

to:

Chief Clerk of Proceedings / Appeals Clerk  
P.O. Box 17787  
Austin, Texas 78744  
Fax: 512-804-4011

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

Sincerely,

In accordance with Commission Rule 102.4 (b), I hereby certify that a copy of this Independent Review Organization (IRO) decision was sent to the carrier and the requestor or claimant via facsimile or US Postal Service from the office of the IRO on this 14<sup>th</sup> day of July 2004.