

April 15, 2005

VIA FACSIMILE  
Pacific Employers Ins. Co.  
C/o Ace USA/ESIS  
Attn: Javier Gonzalez

**NOTICE OF INDEPENDENT REVIEW DECISION**

**RE: MDR Tracking #: M2-05-0983-01**  
**TWCC #:**  
**Injured Employee:**  
**Requestor:**  
**Respondent: Pacific Employers Ins. Co. c/o Ace USA/ESIS**  
**MAXIMUS Case #: TW05-0040**

MAXIMUS has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The MAXIMUS 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 MAXIMUS for independent review in accordance with this Rule.

MAXIMUS 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 MAXIMUS 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 orthopedic surgery and is familiar with the condition and treatment options at issue in this appeal. The MAXIMUS 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 MAXIMUS for independent review. In addition, the MAXIMUS 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 injured his left shoulder and lumbar spine. Treatment for this patient's condition has included physical rehabilitation therapy, work conditioning, aqua therapy, and individual counseling as well as arthroscopic surgery consisting of subacromial bursectomy and repair of the labrum, and a second arthroscopic surgery consisting of debridement and manipulation under anesthesia. Postoperatively the patient had been treated with physical therapy. The diagnoses for this patient have included rotator cuff syndrome, shoulder strain/sprain and lumbar strain/sprain. The patient has been recommended for a chronic pain management program for further treatment of his condition.

Requested Services

Chronic Pain Management Program times 15 sessions.

Documents and/or information used by the reviewer to reach a decision:

*Documents Submitted by Requestor:*

1. Request for Reconsideration of Denial of Services 1/10/05
2. Subsequent Medical Report 10/27/04
3. Coca Cola Enterprises Inc. Printouts 12/20/04 - 1/20/05
4. IME 8/10/04

*Documents Submitted by Respondent:*

1. No documents submitted

Decision

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

Rationale/Basis for Decision

The MAXIMUS physician reviewer noted that this case concerns a male who sustained a work related injury to his left shoulder and lumbar spine on \_\_\_\_\_. The MAXIMUS physician reviewer also noted that the diagnoses for this patient's condition have included rotator cuff syndrome, shoulder strain/sprain and lumbar strain/sprain. The MAXIMUS physician reviewer further noted that treatment for this patient's condition has included physical rehabilitation therapy, work conditioning, aqua therapy, individual counseling and arthroscopic surgery and that a chronic pain management program has been recommended for further treatment of his condition. The MAXIMUS physician reviewer indicated the records demonstrate that except for a chronic pain management program, the patient has exhausted all operative and nonoperative treatment available to him. The MAXIMUS physician reviewer explained that because there are nonsomatic sources of pain to be treated, a chronic pain management program would be reasonable and medically necessary. Therefore, the MAXIMUS physician consultant concluded that the requested Chronic Pain Management program times 15 sessions is medically necessary to treat this patient's condition.

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: 512-804-4011

**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,

**MAXIMUS**

Elizabeth McDonald  
State Appeals Department

cc: Texas Workers Compensation Commission

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 15th day of April 2005.

Signature of IRO Employee: \_\_\_\_\_  
External Appeals Department