

Z iro C

A Division of ZRC Services, Inc.

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April 7, 2005

TWCC Medical Dispute Resolution

Fax: (512) 804-4868

Patient:

TWCC #:

MDR Tracking #:

M2-05-1126-01

IRO #:

5251

Ziroc has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this case to Ziroc for independent review in accordance with TWCC Rule 133.308 which allows for medical dispute resolution by an IRO.

Ziroc has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed physician and specialized in chiropractic care. The reviewer is on the TWCC Approved Doctor List (ADL). The Ziroc health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors or providers who reviewed the case for a determination prior to the referral to Ziroc for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

RECORDS REVIEWED

1. IRO Case Assignment
2. Records provided by Requestor, Respondent and Treating Doctor.

CLINICAL HISTORY

Based on extensive information available, it appears that this individual sustained injuries to his head, neck, right shoulder and left knee as a result of an occupational accident as a crane operator on _____. He underwent arthroscopic surgical repair of the right shoulder on 01/05/04 with a Lubor Jerolimek, MD. He was also seen by Guy Fogal, MD, for spine evaluation recommending conservative care. The patient is referred for rehabilitation and work hardening with the Pain and

Recovery Clinic of North Houston and is attended by Dean McMillan, MD, and Nester Martinez, DC. As of 03/10/05, the patient has completed 20 sessions of work hardening demonstrating marked improvement in function. According to Dr. McMillan, per FCE, he has progressed from Sedentary-Light PDL to Medium PDL (current status). Other functional and behavioral improvements are also noted. Request is made for an additional 10x sessions of work hardening

REQUESTED SERVICE

Work Hardening Program X 10 additional sessions is requested for this patient.

DECISION

The reviewer agrees with the determination of the insurance carrier.

BASIS FOR THE DECISION

Injured worker has successfully completed 20 sessions of work hardening achieving Medium to near Heavy PDL according to FCE and D.O.T., 4th Ed. The position of Crane Operator is defined as a Medium PDL under D.O.T., 4th Ed. He appears to have more than achieved this functional status. Available documentation shows no reason why further improvement cannot be achieved with self-directed exercise, strength and flexibility training. **Medical necessity for this additional service is not supported.**

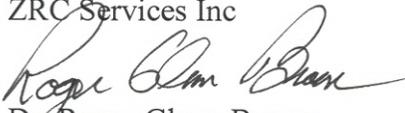
- UNITED STATES DEPARTMENT OF LABOR - DICTIONARY OF OCCUPATIONAL TITLES, Fourth Edition, Revised 1991.
- TWCC MFG guidelines for Work Hardening and Work Conditioning Programs; (Medicine GR); CARF, Commission on Accreditation of Rehabilitation Facilities, 1990 Standards Manual. Schonstein E, Kenny DT, Keating J, Koes BW. Work conditioning, work hardening and functional restoration (Cochrane Review). In: *The Cochrane Library*, Issue 2, 2004. Chichester, UK: John Wiley & Sons, Ltd.

Ziroc has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. Ziroc has made no determinations regarding benefits available under the injured employee's policy.

As an officer of ZRC Services, Inc, dba Ziroc, I certify that there is no known conflict between the reviewer, Ziroc and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

Ziroc is forwarding by mail and, in the case of time sensitive matters by facsimile, a copy of this finding to the treating doctor, payor and/or URA, patient and the TWCC.

Sincerely,
ZRC Services Inc


Dr. Roger Glenn Brown
Chairman & CEO

RGB:dd

cc: Nestor Marinez, DC
Attn: Gracie Diaz
Fax: 713-697-7111

Continental Casualty Co
C/O Burns Anderson
Attn: Debrah Derrickson
Fax: 512-338-5363

Dean McMillan, MD
Fax: 713-697-7111

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.

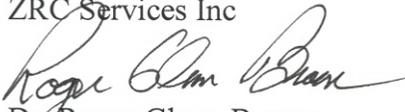
Name/signature

I hereby certify, in accordance with TWCC Rule 102.4 (h), that a copy of this Independent Review Organization decision was sent to the carrier, requestor, claimant (and/or the claimant's representative) and the TWCC via facsimile, U.S. Postal Service or both on this 7th day of April 2005.

Signature of Ziroc Representative:

Name of Ziroc Representative:

Sincerely,
ZRC Services Inc



Dr. Roger Glenn Brown
Chairman & CEO