

**THIS DECISION HAS BEEN APPEALED. THE FOLLOWING
IS THE RELATED SOAH DECISION NUMBER:**

SOAH DOCKET NO. 453-05-9110.M2



Specialty Independent Review Organization, Inc.

July 7, 2005

TWCC Medical Dispute Resolution
7551 Metro Center Suite 100
Austin, TX 78744

Patient:
TWCC #:
MDR Tracking #: M2-05-1760-01
IRO #: 5284

Specialty IRO 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 Specialty IRO for independent review in accordance with TWCC Rule 133.308, which allows for medical dispute resolution by an IRO.

Specialty IRO 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.

This case was reviewed by a licensed Ph.D., LPC with a specialty in counseling. The reviewer is on the TWCC ADL. The Specialty IRO 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 Specialty IRO for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

CLINICAL HISTORY

Mr. ___ worked for _____ as a truck driver for 14 months. He reported being injured at work on ___ while lifting boxes into a walk-in cooler. He complained of lower back pain and had trouble walking. He complains of cramps, burning, sharp, throbbing, aching pain, stiffness and limited mobility.

Mr. ___ has had X-Rays and an MRI. He has been treated with physical therapy, exercise therapy, stretching, heat/ice, topical analgesics, acupuncture, injections, and surgery for a herniated disc on _____.

Dr. Fernald referred Mr. ___ for a psychological evaluation following long-term treatment for back injury and continuing reports of pain. This patient had no mental health difficulties or interventions prior to his injury. The evaluation concluded with a diagnosis of Chronic Pain

Disorder with both psychological features and general medical conditions. Mr. ___' scores on both the Beck Depression Inventory and Beck Anxiety Inventory fell with the mild to moderate range.

RECORDS REVIEWED

Report by Scott Persinger, LCSW 02/28/05
Non-Authorization After Reconsideration Notice 04/20/05
Operative Report by Humberto Tijerina, MD 06/20/02
Report by Humberto Tijerina, MD 07/02/02
SOAP notes by Martin Castillo 07/03/02 to 09/20/04
Patient Evaluation by Sidney Fernald, DC 07/15/02
Patient Evaluation by Sidney Fernald, DC 08/16/02

REQUESTED SERVICE

The items in dispute are the prospective medical necessity of individual counseling x4 sessions and biofeedback duration x 8 sessions.

DECISION

The reviewer disagrees with the previous adverse determination.

BASIS FOR THE DECISION

Mr. ___' mild to moderate depression and anxiety as well as chronic pain and sleep difficulties are directly related to his compensable work related injury. TWCC guidelines Rule 408.021 mandates that "an employee who sustains a compensable injury is entitled to all health care reasonably required by the nature of the injury as and when needed."

According to A Brief Review of Pain: Assessment and Intervention from a Psychophysiological Perspective (2004), use of surface EMG and peripheral skin temperature are commonly used biofeedback modalities for pain intervention and relaxation. Therefore, according to TWCC's stated guidelines, psychotherapy and biofeedback sessions are appropriate and medically reasonable and necessary treatment for Mr. ___.

Specialty IRO has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. Specialty IRO has made no determinations regarding benefits available under the injured employee's policy. Specialty IRO believes it has made a reasonable attempt to obtain all medical records for this review and afforded the requestor, respondent and treating doctor an opportunity to provide additional information in a convenient and timely manner.

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

Sincerely,

Wendy Perelli, CEO

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.

In the case of prospective ***spinal surgery*** decision, a request for a hearing must be made in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** days of your receipt of this decision. (20 Tex. Admin. Code 142.5(c)).

In the case of other ***prospective (preauthorization) medical necessity*** disputes 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, Texas Worker's Compensation Commission, P.O. Box 17787, Austin, TX 78744. The fax number is 512-804-4011. A copy of this decision should be attached to the request.

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute, per TWCC rule 133.308(u)(2).

Sincerely,

Wendy Perelli, CEO

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 8th day of July 2005

Signature of Specialty IRO Representative:

Name of Specialty IRO Representative: Wendy Perelli