

November 16, 2005

TX DEPT OF INS DIV OF WC
AUSTIN, TX 78744-1609

CLAIMANT: ___

EMPLOYEE: ___

POLICY: M2-06-0076-01

CLIENT TRACKING NUMBER: M2-06-0076-01 / 5278

Medical Review Institute of America (MRIOA) has been certified by the Texas Department of Insurance as an Independent Review Organization (IRO). The Texas Department of Insurance Division of Workers Compensation has assigned the above mentioned case to MRIOA for independent review in accordance with DWC Rule 133 which provides for medical dispute resolution by an IRO.

MRIOA 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. Itemization of this information will follow.

The independent review was performed by a peer of the treating provider for this patient. The reviewer in this case is on the DWC approved doctor list (ADL). The reviewing provider has no known conflicts of interest between that provider and the injured employee, the injured employee's employer, the injured employee's insurance carrier, the utilization review agent, or any of the treating doctors or insurance carrier health care providers who reviewed the case for decision before referral to the IRO.

Records Received:

Records Received From The State:

- Notification Of IRO Assignment, 10/25/05 - 2 Pages
- Medical Dispute Resolution Request/Response, Undated - 3 Pages
- Table Of Disputed Services, Undated - 1 Page
- Letter Of Denial To Positive Pain Management, 7/25/05 - 1 Page
- Letter Of Denial To Patient, 8/4/05 - 2 Pages
- Letter Of Appeal From Positive Pain Management Of Texas, Inc. To Texas Department Of Insurance, 9/6/05 - 5 Pages

(continued)

- Letter From Stone Loughlin And Swanson, LLP To Medical Review Division, Division Of Workers' Compensation, 9/29/05 - 2 Pages

Records Received From The Requestor (Positive Pain Management Of Texas, Inc.):

- Positive Pain Management, Inc. Psychological Evaluation Report, 7/13/05 - 7 Pages
- Positive Pain Management Treatment Plan, 7/13/05 - 4 Pages
- Positive Pain Management Physical Performance Evaluation Request For Initiation Of Pain Program; 20 Days, 7/13/05 - 2 Pages
- Cesar A. Gomez-Lozano, MD History And Physical, 7/13/05 - 3 Pages

Records Received From Dr. John Townsend:

- Metroplex Specialties Cervical Spine (3 Views) Report, 2/14/03 - 1 Page
- Parkland Health And Hospital System Spine, Lumbosacral AP And Lateral ER Final Report, 2/13/03 - 1 Page
- K Clinic WC Initial Evaluation, 2/14/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 2/14/03 - 1 Page
- K Clinic Physician Initial Report, 2/14/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 2/21/03 - 1 Page
- K Clinic Physician Progress Report, 2/21/05 - 2 Pages
- Metroplex Specialties MRI Examination Of The Lumbar Spine, 3/7/03 - 2 Pages
- K Clinic Initial Orthopedic Evaluation, 2/24/03 - 3 Pages
- K Clinic Electromyogram Evaluation, 2/25/03 - 2 Pages
- Metroplex Specialties Initial Neurologic Evaluation, 2/25/03 - 3 Pages
- Texas Workers' Compensation Work Status Report, 3/7/03 - 1 Page
- K Clinic Physician Progress Report, 2/14/03 - 1 Page
- Parkland Health And Hospital Systems CT Head Preliminary Report, 3/10/03 - 2 Pages
- DFW Pain Consultants Office Notes, 3/19/03 - 5 Pages
- Texas Workers' Compensation Work Status Report, 3/21/03 - 1 Page
- K Clinic Physician Progress Report, 3/21/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 4/4/03 - 1 Page
- K Clinic Physician Progress Report, 4/4/03 - 1 Page
- Irving Surgery Center Operative Report, 4/11/03 - 2 Pages
- DFW Pain Consultants Progress Notes, 4/15/03 - 2 Pages
- K Clinic Rehab Functional Capacity Initial Evaluation, 4/21/03 - 5 Pages
- Texas Workers' Compensation Work Status Report, 4/18/03 - 1 Page
- K Clinic Physician Progress Report, 4/18/03 - 1 Page
- Irving Surgery Center Operative Report, 4/25/03 - 2 Pages
- DFW Pain Consultants Progress Notes, 5/1/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 5/2/03 - 1 Page
- K Clinic Physician Progress Report, 5/2/03 - 1 Page
- Texas Imaging And Diagnostic Center Post-Discogram CT Scan - Lumbar Spine, 5/12/03 - 2 Pages
- Irving Surgery Center Operative Report, 5/12/03 - 4 Pages

- Texas Workers' Compensation Work Status Report, 5/16/03 - 1 Page
- K Clinic Physician Progress Report, 5/16/03 - 1 Page
- DFW Pain Consultants Progress Notes, 5/22/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 5/30/03 - 1 Page
- K Clinic Physician Progress Report, 5/30/03 - 1 Page
- Irving Surgery Center Operative Report, 6/6/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 6/13/03 - 1 Page
- K Clinic Physician Progress Report, 6/13/03 - 1 Page
- K Clinic Rehab Psychological Clinical/Diagnostic Interview, 6/13/03 - 3 Pages
- DFW Pain Consultants Progress Notes, 6/17/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 7/1/03 - 1 Page
- K Clinic Physician Progress Report, 7/1/03 - 2 Pages
- Irving Surgery Center Operative Report, 7/14/03 - 3 Pages
- Texas Workers' Compensation Work Status Report, 7/18/03 - 1 Page
- K Clinic Physician Progress Report, 7/18/03 - 1 Page
- DFW Pain Consultants Progress Notes, 7/29/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 8/1/03 - 1 Page
- K Clinic Physician Progress Report, 8/1/03 - 1 Page
- DFW Pain Consultants Progress Notes, 8/14/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 8/21/03- 1 Page
- K Clinic Physician Progress Report, 8/21/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 9/4/03- 1 Page
- K Clinic Physician Progress Report, 9/4/03 - 1 Page
- K Clinic Rehab Psychological Services Notes, 9/12/03 - 2 Pages
- K Clinic Rehab Psychological Services Notes, 9/12/03 - 2 Pages
- K Clinic Rehab Psychological Services Notes, 8/15/03- 2 Pages
- K Clinic Rehab Psychological Services Notes, 8/21/03 - 2 Pages
- DFW Pain Consultants Progress Notes, 9/23/03 - 1 Page
- Letter To Kim Israel, MD From Spinal Solutions PA, 9/24/03 - 4 Pages
- Texas Workers' Compensation Work Status Report, 9/26/03- 1 Page
- K Clinic Physician Progress Report, 9/26/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 10/10/03- 1 Page
- K Clinic Physician Progress Report, 10/10/03 - 1 Page
- K Clinic Rehab Psychological Services Notes, 10/10/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 10/24/03- 1 Page
- K Clinic Physician Progress Report, 10/24/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 11/19/03- 1 Page
- Chart Note From Robert J. Henderson, MD, 11/10/03 - 2 Pages
- K Clinic Physician Progress Report, 11/19/03 - 1 Page
- K Clinic Physician Progress Report, 12/19/03 - 1 Page
- K Clinic Physician Progress Report, 1/15/04 - 1 Page
- K Clinic Physician Progress Report, 2/12/04 - 1 Page
- K Clinic Physician Progress Report, 3/11/04 - 1 Page

- Texas Workers' Compensation Work Status Report, 4/27/04- 1 Page
- K Clinic Physician Progress Report, 4/27/04- 1 Page
- K Clinic Physician Progress Report, 6/1/04 - 1 Page
- Texas Workers' Compensation Work Status Report, 7/6/04- 1 Page
- K Clinic Physician Progress Report, 7/6/04 - 1 Page
- Texas Workers' Compensation Work Status Report, 7/30/04- 1 Page
- K Clinic Physician Progress Report, 7/30/04 - 1 Page
- Letter To Kim Israel, MD From Spinal Solutions PA, 8/6/04 - 2 Pages
- Texas Workers' Compensation Work Status Report, 8/23/04- 1 Page
- K Clinic Physician Progress Report, 8/23/04 - 1 Page
- Texas Workers' Compensation Work Status Report, 9/13/04- 1 Page
- K Clinic Physician Progress Report, 9/13/04 - 1 Page
- Texas Workers' Compensation Work Status Report, 10/14/04- 1 Page
- K Clinic Physician Progress Report, 10/14/04 - 1 Page
- Texas Workers' Compensation Work Status Report, 11/15/04- 1 Page
- K Clinic Physician Progress Report, 11/15/04 - 1 Page
- Texas Workers' Compensation Work Status Report, 12/21/04- 1 Page
- K Clinic Physician Progress Report, 12/21/04 - 1 Page
- Letter To Kim Israel, MD From Spinal Solutions PA, 1/12/05 - 3 Pages
- Letter To Kim Israel, MD From Spinal Solutions PA, 1/21/05 - 3 Pages
- Letter To Kim Israel, MD From Spinal Solutions PA, 1/26/05 - 2 Pages
- SJ Kechejian MD, PA (John Townsend, MD) Chart Notes, 1/31/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 1/31/05- 1 Page
- K Clinic Physician Progress Report, 1/31/05 - 1 Page
- SJ Kechejian MD, PA (John Townsend, MD) Chart Notes, 2/14/03 - 1 Page
- Letter To John Townsend, MD From Spinal Solutions PA, 2/1/05 - 3 Pages
- Letter To John Townsend, MD From Spinal Solutions PA, 2/23/05 - 3 Pages
- Texas Workers' Compensation Work Status Report, 3/1/05- 1 Page
- K Clinic Physician Progress Report, 3/1/05 - 1 Page
- Spinal Solutions, PA Physical Therapy Referral, 3/2/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 3/24/05- 1 Page
- K Clinic Physician Progress Report, 3/24/05 - 1 Page
- Letter To John Townsend, MD From Spinal Solutions PA, 4/11/05 - 2 Pages
- Spinal Solutions, PA Physical Therapy Referral, 4/11/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 4/14/05- 1 Page
- K Clinic Physician Progress Report, 4/14/05 - 1 Page
- SJ Kechejian MD, PA (David Frank, MD, Radiologist) Lumbar Spine (5 Views) Report, 4/19/05 - 1 Page
- Letter To John Townsend, MD From Spinal Solutions PA, 5/5/05 - 3 Pages
- Texas Workers' Compensation Work Status Report, 5/17/05- 1 Page
- K Clinic Physician Progress Report, 5/17/05 - 1 Page
- SJ Kechejian MD, PA Rehab Occupational Therapy Interim Functional Capacity Evaluation, 5/26/05 - 2 Pages

- Texas Workers' Compensation Work Status Report, 6/14/05- 1 Page
- K Clinic Physician Progress Report, 6/14/05 - 1 Page
- SJ Kechejian MD, PA Rehab Psychological Services Notes, 5/26/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 7/12/05- 1 Page
- K Clinic Physician Progress Report, 7/12/05 - 1 Page
- DWC-69 Report Of Medical Evaluation, 7/26/05 - 3 Pages
- K Clinic Physician Progress Report, 7/26/05 - 1 Page
- DWC-69 Report Of Medical Evaluation, 7/26/05 - 1 Page
- Letter To John Townsend, MD From Spinal Solutions PA, 8/17/05 - 3 Pages
- Texas Workers' Compensation Work Status Report, 8/30/05- 1 Page
- K Clinic Physician Progress Report, 8/30/05 - 1 Page

Records Received From The Respondent (Continental Casualty Co.):

- PT/OT Rehab Center History, 2/18/03 - 3 Pages
- Physical Therapy Discharge Summary, 4/16/03 - 1 Page
- K Clinic Initial Orthopedic Evaluation, 2/24/03 - 3 Pages
- Progress Soap Notes, 4/9/03 - 1 Page
- Prescription For PT/OT Center, 5/30/03 - 1 Page
- Medical Necessity (Prescription) For DME, 7/14/03 - 1 Page
- DFW Pain Consultants Progress Notes, 7/29/03 - 1 Page
- History Of Present Illness (Comp., MVA, Or Other PI), Undated - 4 Pages
- Progress Soap Notes, 4/9/03 - 1 Page
- Progress Soap Notes, 9/12/03 - 1 Page
- PT Prescription From Kim Israel, MD, Undated - 1 Page
- Letter To Kim Israel, MD From Case Coordinator, 8/7/05 - 3 Pages
- K Clinic Rehab Psychological Services Notes, 10/10/03 - 1 Page
- Medical Necessity (Prescription) For DME, 10/21/03 - 1 Page
- DFW Pain Consultants Progress Notes, 10/21/03 - 1 Page
- Progress Soap Notes, 10/23/03 - 1 Page
- DFW Pain Consultants Progress Notes, 12/16/03 - 1 Page
- K Clinic Physician Progress Report, 1/15/04 - 1 Page
- K Clinic Physician Progress Report, 4/27/04 - 1 Page
- Brookhaven Family Medicine Pre-Operative Medical Clearance, 4/13/04 - 2 Pages
- K Clinic Physician Progress Report, 12/21/04 - 1 Page
- Texas Workers' Compensation Work Status Report, 12/21/04 - 1 Page
- RHD Memorial Center Admission, 1/16/05 - 1 Page
- RHD Memorial Medical Center OP L-Spine AP And Lat Report, 1/13/05 - 1 Page
- RHD Memorial Medical Center Operative Report, 1/13/05 - 3 Pages
- RHD Memorial Medical Center Operative Report, 1/13/05 - 3 Pages
- RHD Memorial Medical Center Operative Report, 1/13/05 - 3 Pages
- RHD Memorial Medical Center Operative Report, 1/13/05 - 3 Pages
- RHD Memorial Medical Center Operative Report, 1/13/05 - 2 Pages
- RHD Memorial Medical Center Operative Report, 1/13/05 - 3 Pages

- RHD Memorial Medical Center Operative Report, 1/13/05 - 3 Pages
- RHD Memorial Medical Center Operative Report, 1/13/05 - 3 Pages
- RHD Memorial Medical Center Operative Report, 1/13/05 - 3 Pages
- RHD Memorial Medical Center Consultation Report, 1/16/05 - 1 Page
- RHD Memorial Medical Center Progress Notes, 1/18/05-1/19/05, 1 Page
- Letter To John Townsend, MD From Spinal Solutions PA, 1/21/05 - 3 Pages
- K Clinic Physician Progress Report, 3/1/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 3/1/05 - 1 Page
- K Clinic Rehabilitation Centers Treatment Program, 3/8/05 - 1 Page
- Progress Soap Notes, 3/10/05-3/14/05 - 2 Pages
- K Clinic Rehabilitation Centers Treatment Program, 3/14/05-3/17/05 - 1 Page
- Progress Soap Notes, 3/15/05 - 1 Page
- K Clinic Rehabilitation Centers Treatment Program, 3/15/05-3/17/05 - 1 Page
- Progress Soap Notes, 3/17/05-3/21/05 - 2 Pages
- K Clinic Physician Progress Report, 3/24/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 3/24/05 - 1 Page
- K Clinic Rehabilitation Centers Treatment Program, 3/21/05-3/25/05 - 1 Page
- Progress Soap Notes, 3/24/05-3/25/05 - 2 Pages
- K Clinic Rehabilitation Centers Treatment Program, 3/28/05-4/1/05 - 1 Page
- Progress Soap Notes, 3/28/05-3/31/05 - 2 Pages
- K Clinic Rehabilitation Centers Treatment Program, 2/18/05-4/10/05 - 2 Pages
- DWC-69 Report Of Medical Evaluation, 7/21/05 - 1 Page
- K Clinic Rehabilitation Centers Treatment Program, 4/7/05 - 1 Page
- Progress Soap Notes, 4/7/05 - 2 Pages
- K Clinic Physician Progress Report, 5/17/05 - 1 Page
- K Clinic Physician Progress Report, 4/14/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 4/14/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 5/17/05 - 1 Page
- K Clinic Physician Progress Report, 6/14/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 6/14/05 - 1 Page
- Inpatient Consultants, INC. Request For Medical Records, 7/1/05 - 1 Page
- K Clinic Physician Progress Report, 7/12/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 7/12/05 - 1 Page
- Texas Imaging And Diagnostic Center X-rays - Lumbar Spine Series With Flexion/Extension Views, 8/16/05 - 2 Pages
- ARCON AIRS - Impairment Rating Report, 9/9/05 - 3 Pages
- DWC-69 Report Of Medical Evaluation, 7/28/05 - 3 Pages
- Letter To CNA/Houston From Douglas M. Stauch, MD PA, 8/28/05 - 6 Pages
- Letter To CNA/Houston From Michael D. Ciepiela, MD, 9/8/05 - 5 Pages
- Report Of Medical Evaluation From Churchill Evaluation Centers, 9/9/05 - 2 Pages
- Review Of Medical History And Physical Exam, 9/9/05 - 1 Page
- Operative Report, 1/14/05 - 1 Page
- Physician Requisition Form, 9/15/05 - 1 Page

Duplicate Records Received:

- Fax Cover Sheet From Churchill Evaluation Centers To Unknown Recipient, 9/15/05 - 1 Page
- Positive Pain Management Psychological Evaluation Report, 7/13/05 - 1 Page
- ARCON AIRS - Impairment Rating Report, 9/9/05 - 1 Page
- Report Spinal/Lumbar, 4/1/05 - 1 Page
- Progress Soap Notes, 4/1/05 - 1 Page
- DWC-69 Report Of Medical Evaluation, 7/21/05 - 1 Page
- Progress Soap Notes, 3/24/05 - 1 Page
- North Texas Gastroenterology Consultants Letter Of Resubmittal, Undated - 1 Page
- K Clinic Physician Initial Report, 2/14/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 2/14/03 - 1 Page
- K Clinic Physician Progress Report, 3/11/04 - 1 Page
- Letter To Kim Israel, MD From Spinal Solutions, PA, 4/9/04 - 3 Pages
- Letter To Kim Israel, MD From Spinal Solutions, PA, 1/12/05 - 3 Pages
- Letter To John Townsend, MD From Spinal Solutions, PA, 4/9/04 - 1 Page
- Positive Pain Management, Inc. Psychological Evaluation Report, 7/13/05 - 7 Pages
- Positive Pain Management, Inc. Psychological Evaluation Report, 7/13/05 - 6 Pages
- K Clinic Physician Progress Report, 8/30/05 - 1 Page
- Texas Workers' Compensation Work Status Report, 8/30/05 - 1 Page
- Attention New Billing Address For Spinal Solutions PA, Undated - 1 Page
- Letter To John Townsend, MD From Spinal Solutions, PA, 8/17/05 - 2 Pages
- Report Of Medical Evaluation From Churchill Evaluation Centers, 9/9/05 - 2 Pages
- Review Of Medical History And Physical Exam, 9/9/05 - 3 Pages
- SJ Kechejian, MD, PA (David Frank, MD, Radiologist) Lumbar Spine (5 Views), 4/19/05 - 1 Page
- Letter To John Townsend, MD From Spinal Solutions, PA, 5/5/05 - 3 Pages
- North Texas Gastroenterology Consultants Letter Of Resubmittal, Undated - 1 Page
- RHD Memorial Medical Center Consultation Report, 1/16/05 - 1 Page
- Letter To John Townsend, MD From Spinal Solutions, PA, 1/26/05 - 2 Pages
- K Clinic Physician Progress Report, 9/13/04 - 1 Page
- K Clinic Physician Progress Report, 10/14/04 - 1 Page
- K Clinic Physician Progress Report, 11/15/04 - 1 Page
- Texas Workers' Compensation Work Status Report, 11/15/04 - 1 Page
- Metroplex Specialties MRI Examination Of The Lumbar Spine, 3/7/03 - 2 Pages
- K Clinic Physician Progress Report, 2/12/04 - 1 Page
- K Clinic Physician Progress Report, 3/11/04 - 2 Pages
- K Clinic Physician Progress Report, 7/30/04 - 1 Page
- Letter To Kim Israel, MD From Spinal Solutions, PA, 8/6/04 - 2 Pages
- K Clinic Physician Progress Report, 8/23/04 - 1 Page
- K Clinic Rehab Psychological Services Note, 9/12/03 - 2 Pages
- DFW Pain Consultants Progress Note, 9/23/03 - 1 Page
- K Clinic Physician Progress Report, 9/26/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 9/26/03 - 1 Page
- Irving Surgery Center Operative Report, 7/14/03 - 2 Pages

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- K Clinic Physician Progress Report, 9/4/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 9/4/03 - 1 Page
- Letter To Kim Israel, MD From Spinal Solutions, PA, 9/24/03 - 4 Pages
- K Clinic Rehab Psychological Services Note, 10/10/03 - 1 Page
- Progress Soap Notes, 10/10/03 - 2 Pages
- K Clinic Physician Progress Report, 2/21/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 2/21/03 - 1 Page
- K Clinic Physician Initial Report, 2/14/03 - 2 Pages
- Texas Workers' Compensation Work Status Report, 2/14/03 - 1 Page
- Metroplex Specialties Cervical Spine (3 Views), 2/20/03 - 1 Page
- Metroplex Specialties MRI Examination Of The Lumbar Spine, 3/7/03 - 2 Pages
- K Clinic Orthopedic Evaluation, 2/24/03 - 3 Pages
- Metroplex Specialties Initial Neurological Evaluation, 2/25/03 - 3 Pages
- K Clinic Specialties Electromyogram Evaluation, 2/25/03 - 2 Pages
- K Clinic Rehab Psychological Services Note, 8/15/03 - 2 Pages
- Letter To Kim Israel, MD From Case Coordinator, 8/7/03 - 1 Page
- Prescription For PT/OT Center, 5/30/03 - 1 Page
- K Clinic Rehab Psychological Services Note, 8/21/03 - 2 Pages
- K Clinic Physician Progress Report, 2/28/03 - 1 Page
- K Clinic Physician WC Initial Evaluation, 2/14/03 - 2 Pages
- K Clinic Physician Progress Report, 3/7/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 3/21/03 - 1 Page
- K Clinic Physician Progress Report, 3/21/03 - 1 Page
- K Clinic Physician Progress Report, 9/4/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 9/4/03 - 1 Page
- Rehab Center Treatment Program, 3/13/03-4/10/03, 1 Page
- Rehab Center Treatment Program, 3/13/03-4/10/03, 1 Page
- Rehab Center Treatment Program, 3/13/03-4/10/03, 1 Page
- Rehab Center Treatment Program, 2/18/03-3/12/03, 1 Page
- K Clinic Rehab Physical Therapy Initial Evaluation, 2/27/03 - 2 Pages
- PT/OT Rehab Center History, 2/18/03 - 1 Page
- Rehab Center Treatment Program, 2/18/03-3/12/03, 1 Page
- DFW Pain Consultants, 10/21/03 - 1 Page
- K Clinic Physician Progress Report, 10/24/03 - 1 Page

- Texas Workers' Compensation Work Status Report, 10/24/03 - 1 Page
- K Clinic Physician Progress Report, 9/4/03 - 1 Page
- Robert J. Henderson, MD Chart Note, 11/10/03 - 2 Pages
- K Clinic Physician Progress Report, 11/19/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 11/19/03 - 1 Page
- K Clinic Physician Progress Report, 12/19/03 - 1 Page
- PT Prescription From Kim Israel, MD, Undated, 1 Page
- K Clinic Rehab Psychological Services Note, 9/12/03 - 2 Pages
- Rehab Center Treatment Program, 3/13/03-4/10/03, 1 Page
- Progress Soap Notes, 10/10/03 - 1 Page
- Texas Workers' Compensation Work Status Report, 3/7/03 - 1 Page
- Rehab Center Treatment Program, 2/18/03-3/12/03, 1 Page
- Rehab Center Treatment Program, 3/13/03-4/10/03, 1 Page
- PT Prescription From Kim Israel, MD, Undated, 1 Page

Summary of Treatment/Case History:

The claimant is a 47-year-old gentleman who allegedly suffered a workplace injury on _____. Subsequently he developed low back pain which radiated to his legs L>R. Physical examination reveals diminished pinprick sensation in the L5-S1 dermatomes bilaterally. Straight leg raising test is positive at 70 degrees bilaterally. EMG reveals evidence of left L5 and/or S1 radiculopathy. An MRI revealed a small L5-S1 herniation. Provocative discography reveals concordant pain at L4-5 and L5-S1 with Grade IV annular tears and signs of degeneration on the post-discogram CT scan. A left L5 selective nerve root block abolished the left leg pain. An L4-5 Nucleoplasty was done on 7/14/03, which improved his back pain but not his right leg pain. On 1/13/05, he underwent spinal decompression and intervertebral fusion at L4-5 and L5-S1, which produced near-complete resolution of his pain. He underwent physical therapy postoperatively but nevertheless suffered somewhat of a regression of the benefit of the surgery over several months.

Questions for Review:

Item(s) in Dispute: Pre-Authorization request: 20 days of multidisciplinary chronic pain management program. Medical necessity.

Explanation of Findings:

Item(s) in Dispute: Pre-Authorization request: 20 days of multidisciplinary chronic pain management program. Medical necessity.

The claimant suffers from a moderate degree of postlaminectomy pain, which did not respond to six weeks of physical therapy and which is severe enough to prevent his return to work. There is substantial evidence in the published peer-reviewed that intensive multidisciplinary pain management programs are efficacious in improving the functional status of patients who have chronic pain which has not responded to less intensive treatment. According to §408.021 of the Texas Labor Code, 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. The employee is specifically entitled to health care that:

(continued)

1. Cures or relieves the effects naturally resulting from the compensable injury;
2. Promotes recovery, or
3. Enhances the ability of the employee to return to or retain employment.

Given that there is a reasonable expectation that 20 days of intensive multidisciplinary pain treatment would enhance his ability to return to or retain employment, it is medically necessary pursuant to the definition in the Texas Labor Code.

Conclusion/Decision to Certify:

The request for 20 days of multidisciplinary chronic pain management program is medically necessary.

Applicable Clinical or Scientific Criteria or Guidelines Applied in Arriving at Decision:

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. The employee is specifically entitled to health care that:

1. Cures or relieves the effects naturally resulting from the compensable injury;
2. Promotes recovery, or
3. Enhances the ability of the employee to return to or retain employment.

References Used in Support of Decision:

1. Texas Labor Code §408.021
2. Patrick, L E, et al. (2004). Long-term outcomes in multidisciplinary treatment of chronic low back pain: results of a 13-year follow-up. Spine 29:850-5
3. Haldorsen, E M, et al. (2002). Is there a right treatment for a particular patient group? Comparison of ordinary treatment, light multidisciplinary treatment, and extensive multidisciplinary treatment for long-term sick-listed employees with musculoskeletal pain. Pain 95:49-63
4. Guzman, J, et al. (2002). Multidisciplinary bio-psycho-social rehabilitation for chronic low back pain. Cochrane Database Syst Rev CD000963
5. Turk, D C (2001). Combining somatic and psychosocial treatment for chronic pain patients: perhaps 1 + 1 does = 3. Clin J Pain 17:281-3

The physician providing this review is board certified in Anesthesiology. The reviewer holds additional certification in Pain Medicine from the American Board of Pain Medicine. The reviewer is a diplomate of the national board of medical examiners. The reviewer has served as a research associate in the department of physics at MIT. The reviewer has received his PhD in Physics from MIT. The reviewer is currently the chief of Anesthesiology at a local hospital and is the co-chairman of Anesthesiology at another area hospital. The reviewer has been in active practice since 1978.

MRloA is forwarding this decision by mail, and in the case of time sensitive matters by facsimile, a copy of this finding to the treating provider, payor and/or URA, patient and the DWC.

Page 11 - ___

Your Right To Appeal

If you are unhappy with all or part of this decision, you have the right to appeal the decision. The decision of the Independent Review Organization is binding during the appeal process.

If you are disputing the decision (other than a spinal surgery prospective decision), the appeal must be made directly to a district court in Travis County (see Texas Labor Code §413.031). An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. If you are disputing a spinal surgery prospective decision, a request for a hearing must be in writing and it must be received by the Division of Workers' Compensation, Chief Clerk of Proceedings, within ten (10) days of your receipt of this decision.

Chief Clerk of Proceedings / Appeals Clerk
P. O. Box 17787
Austin, TX 78744

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.

It is the policy of Medical Review Institute of America to keep the names of its reviewing physicians confidential. Accordingly, the identity of the reviewing physician will only be released as required by state or federal regulations. If release of the review to a third party, including an insured and/or provider, is necessary, all applicable state and federal regulations must be followed.

Medical Review Institute of America retains qualified independent physician reviewers and clinical advisors who perform peer case reviews as requested by MRIOA clients. These physician reviewers and clinical advisors are independent contractors who are credentialed in accordance with their particular specialties, the standards of the American Accreditation Health Care Commission (URAC), and/or other state and federal regulatory requirements.

The written opinions provided by MRIOA represent the opinions of the physician reviewers and clinical advisors who reviewed the case. These case review opinions are provided in good faith, based on the medical records and information submitted to MRIOA for review, the published scientific medical literature, and other relevant information such as that available through federal agencies, institutes and professional associations. Medical Review Institute of America assumes no liability for the opinions of its contracted physicians and/or clinician advisors. The health plan, organization or other party authorizing this case review agrees to hold MRIOA harmless for any and all claims which may arise as a result of this case review. The health plan, organization or other third party requesting or authorizing

this review is responsible for policy interpretation and for the final determination made regarding coverage and/or eligibility for this case.

1190186.1

jc

cc: requestor and respondent