

# MCMC

## IRO Medical Dispute Resolution M2 Prospective Medical Necessity IRO Decision Notification Letter

<b>Date:</b>	<b>11/16/2005</b>
<b>Injured Employee:</b>	
<b>Address:</b>	
<b>MDR #:</b>	<b>M2-06-0163-01</b>
<b>DWC #:</b>	
<b>MCMC Certification #:</b>	<b>IRO 5294</b>

### REQUESTED SERVICES:

Please review the item(s) in dispute: Pre-authorization request: Caudal epidural steroid injection (ESI) under fluoroscopy guidance and with sedation.

### DECISION: Upheld

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IRO MCMC llc (MCMC) has been certified by the Texas Department of Insurance as an Independent Review Organization (IRO) to render a recommendation regarding the medical necessity of the above disputed service.

Please be advised that a MCMC Physician Advisor has determined that your request for an M2 Prospective Medical Dispute Resolution on 11/16/2005, concerning the medical necessity of the above referenced requested service, hereby finds the following:

The caudal epidural steroid injection (ESI) under fluoroscopy guidance with sedation is not medically necessary.

### CLINICAL HISTORY:

The injured individual is a 43 year old female with date of injury \_\_\_\_\_. The injured individual had lumbar surgery in 1991 and 1998. After this injury, she complained of new right leg pain. Epidural fibrosis was suspected although not confirmed on two MRIs. The injured individual was sent to Dr. Potter for pain management by her neurosurgeon. She had one caudal ESI in 08/2001 which by her own words failed to help therefore she sought out more surgery. Multiple physicians confirm this failure. Since then, she has had three more back surgeries with no new diagnostic studies. The efficacy of an ESI in this setting is minimal to none so repeating it is not warranted.

### REFERENCE:

Bonica JJ. ED. The Management of Pain. Third Edition. Copyright 2000.

**RATIONALE:**

The injured individual is a 43 year old female with a Worker's Compensation (WC) injury of \_\_\_\_\_. The injured individual had multiple prior lumbar surgeries. She complained of low back and new right leg pain for which two MRIs in 05/2001 and 06/2001 showed left herniated nucleus pulposus (HNP) L5/S1 (5/2001) and central HNP L5/S1 (06/2001). While there was a suspicion of epidural fibrosis based on her prior surgeries, this was not confirmed on MRI. The injured individual had a caudal ESI with Dr. Potter in 08/2001. This was reported to have failed by multiple treating physicians including her chiropractor, neurosurgeon, second opinion surgeon, and independent medical examiner (IME). Only Dr. Potter claimed it was successful although the injured individual did not return to him for four years, elected to have lumbar surgery shortly thereafter, and went on to have more lumbar surgery in the ensuing three years. Dr. Potter is now requesting another caudal ESI stating the injured individual probably has scar tissue and benefited well from his prior injection. The efficacy of an ESI in a post-surgical back is minimal; in an injured individual who had five surgeries, it is nonexistent. Her prior well documented failure to respond to his ESI of 2001 also does not support repeating this procedure.

**RECORDS REVIEWED:**

- DWC Notification of IRO Assignment dated 10/21/05
- DWC-60
- DWC-69: Report of Medical Evaluations dated 02/05/03, 02/07/03, 09/10/01
- DWC-73: Work Status Reports dated 04/20/01 through 04/04/03
- MCMC: IRO Medical Dispute Resolution Prospective dated 10/28/05
- MCMC: IRO Medical Dispute Resolution M2 Prospective Pre-Authorization dated 10/21/05
- Arkansas Claims Management: Letter dated 10/27/05 from Raina Robinson, IRO Coordinator
- Hoffman Kelley, L.L.P.: Letter dated 10/17/05 from Dan Kelley
- Comprehensive Pain Management: Letters dated 09/27/05, 09/08/05 from Ryan Potter, M.D.
- UniMed Direct LLC: Review Determination dated 09/20/05 (Denial #2)
- UniMed Direct LLC: Review Determination dated 09/08/05 (Denial #1)
- Comprehensive Pain Management: H&Ps dated 08/26/05, 07/21/05 from Ryan Potter, M.D.
- Home Health Certification and Plan of Care report dated 04/20/04
- Medical Update and Patient Information dated 03/24/04
- Plan of Treatment dated 03/14/04
- Corpus Christi Medical Center: Operative Report dated 03/11/04 from John Masciale, M.D.
- Corpus Christi Medical Center: Preop History and Physical dated 03/07/04 from John Masciale, M.D.
- Orthopedic Associates of Corpus Christi: Preoperative Office Visit dated 03/05/04 from Jose Recio, P.A.-C.
- Doctors Regional Medical Center: Chest x-rays dated 03/01/04
- DWC: Payment of Compensation or Notice of Refused/Disputed Claim dated 07/30/03
- Healthtrust: Initial Interview dated 06/25/03 from Michael Nieto, M.S.
- Humpal Physical Therapy & Sports Medicine Centers: Physical Therapy Re-Evaluation dated 04/07/03 from Brian Solecki, P.T.

- Chiropractic Professionals: Impairment Rating report dated 02/07/03 from Michael Mauger, D.C.
- Chiropractic Professionals: Report dated 02/07/03 from Michael Mauger, D.C.
- Chiropractic Professionals: Review of Impairment note dated 02/05/03 from Michael Mauger, D.C.
- Corpus Christi Surgery Center: Operative Report dated 02/03/03 from John Masciale, M.D.
- Family Practice Associates of Corpus Christi: Lab reports dated 01/29/03
- C&H Medical Solutions: Impairment Rating & MMI report dated 01/23/03 from David Willhoite, M.D
- Healthtrust: Daily Progress Reports dated 12/02/02, 12/03/02, 12/04/02, 12/05/02, 12/10/02
- Humpal Physical Therapy & Sports Medicine Centers: Physical Therapy Progress Notes dated 11/22/02, 10/31/02, 10/23/02 from Russell Hanks, P.T.
- Healthtrust: Behavioral Assessment dated 11/19/02 from Joel Joselevitz, M.D.
- Humpal Physical Therapy & Sports Medicine Centers: Physical Therapy Re-Evaluation dated 11/07/02 from Russell Hanks, P.T.
- Healthtrust: Initial Interview dated 10/30/02 from Michael Nieto, M.S.
- Russell Hanks, P.T.: Physical Therapy Initial Evaluation dated 10/04/02
- Orthopedic Associates of Corpus Christi: Letters dated 06/14/02 through 05/07/04 from John Masciale, M.D.
- Orthopedic Associates of Corpus Christi: Office note dated 05/21/02 from “SSP”
- Corpus Christi Medical Center: Coding Summary report dated 05/14/02
- Discharge Summary dated 05/10/02 from John Masciale, M.D.
- Corpus Christi Medical Center: Lower Extremity Exercises dated 05/10/02
- Rehabilitation Discharge Summary: Handwritten dated 05/10/02
- Discharge Instructions Form dated 05/10/02
- Nursing Interventions and Evaluation notes dated 05/08/02, 05/09/02, 05/10/02
- Doctors Regional Medical Center: Film Marker/Hardware Placement films dated 05/07/02, 05/06/02
- Doctors Regional Medical Center: Post surgery AP radiograph dated 05/07/02
- Patient Plan of Care notes dated 05/07/02
- Corpus Christi Medical Center: Records of Waste for the period 05/07/02 to 05/09/02
- Corpus Christi Medical Center: PACU Nurse’s Notes dated 05/07/02
- Corpus Christi Medical Center: Discharge Planning Assessment dated 05/07/02
- Corpus Christi Medical Center: Handwritten Physical Therapy Evaluation dated 05/07/02
- Corpus Christi Medical Center: Respiratory Care Initial Patient Assessment dated 05/07/02
- Rhythm Strip Records dated 05/07/02
- Parameter Alarm Levels dated 05/07/02
- Vital Sign and I&O Graphic Record for the period 05/07/02 to 05/10/02
- Nursing Observation and Action: Handwritten notes dated 05/07/02
- Interdisciplinary Education Records dated 05/07/02 through 05/09/02
- Corpus Christi Medical Center: Post Operative/Procedures Observation Sheets dated 05/07/02, 05/08/02, 05/09/02, 05/10/02

- Medication Administration Reports for the period 05/07/02 to 05/08/02, 05/08/02 to 05/09/02, 05/09/02 to 05/10/02, 05/10/02 to 05/11/02
- John Masciale, M.D.: Post-Op Spine Orders dated 05/07/02
- Rehab Daily Treatment Notes: Handwritten dated 05/07/02 to 05/10/02
- Anesthesia Records dated 05/07/02, 03/10/04
- Corpus Christi Medical Center: Pastoral Care record dated 05/07/02
- PACU Record: Handwritten dated 05/07/02
- Corpus Christi Medical Center: Pre-Printed Physician Orders dated 05/07/02
- Interdisciplinary Patient Notes: Handwritten dated 05/07, 05/08, 05/09, 05/10
- Physician's Orders: Handwritten dated 05/07, 05/08, 05/09
- Progress Notes: Handwritten dated 05/07/02 to 05/10/02
- Corpus Christi Medical Center: Operative Flowsheet dated 05/06/02
- Critical Care Unit Flow Records related to 05/06/02 hospitalization
- Patient Admission Assessment Form dated 05/06/02
- The Corpus Christ Medical Center: Post-anesthesia Orders for the PACU dated 05/06/02
- Corpus Christi Medical Center: Medication Transfer Orders dated 05/06/02
- Corpus Christi Medical Center: Inventory list dated 05/06/02
- Endoscopy & Day Surgery Pharmacy Record dated 05/06/02
- History and Physical dated 05/06/02 from John Masciale, M.D.
- Operative Report dated 05/06/02 from John Masciale, M.D.
- Doctors Regional Medical Center: Hardware placement film dated 05/06/02
- Corpus Christ Medical Center: Autotransfusion Record dated 05/06/02
- Pre-Surgical Checklist dated 05/06/02
- John P. Masciale, M.D.: Preoperative Spine Orders dated 05/03/02
- Orthopedic Associates of Corpus Christi: Preoperative Visit dated 04/19/02 from John Masciale, M.D.
- Doctors Regional Medical Center: Chest, PA and lateral radiographs dated 04/16/02
- John D. Halcomb, M.D.: Letter dated 02/01/02
- Orthopedic Associates of Corpus Christi: Initial Evaluation dated 09/21/01 from John Masciale, M.D.
- Comprehensive Pain Management: Caudal Epidural Steroid Injection report dated 08/20/01 from Joel Joselevitz, M.D.
- Rehab One: Functional Capacity Evaluation dated 08/01/01
- Disability Evaluating Center of Texas: Letter dated 07/31/01 from Charles Kennedy, Jr., M.D.
- Chiropractic Professionals: Update notes dated 07/27/01 through 08/26/03 from Michael Mauger, D.C.
- Comprehensive Pain Management: History & Physical dated 07/18/01 from Ryan Potter, M.D.
- Neurosurgery of South Texas: Letters dated 06/21/01, 05/10/01 from Michael Gieger, M.D.
- Radiology Associates: MRI lumbar spine, lumbar spine radiographs dated 06/04/01
- P.I. Solutions: Investigative report dated 05/29/01 from Richard Riley, Chief Operating Officer

- Jose Joselevitz, M.D.: Follow-up Notes dated 05/25/01 through 10/22/04
- Chiropractic Professionals: Change of Treating Physician letter dated 05/24/01, 05/07/01 from Michael Mauger, D.C.
- Chiropractic Professionals: Change of Physician-Second Request letter dated 05/15/01 from Michael Mauger, D.C.
- Chiropractic Professionals: Narrative Report – Update dated 05/11/01 from Michael Mauger, D.C.
- Chiropractic Professionals: Change of Treating Physician Status letter dated 05/09/01 from Michael Mauger, D.C.
- Joel Joselevitz, M.D.: Physiatric Evaluation dated 05/08/01
- Rehab One Physical Therapy Functional Capacity Evaluation dated 05/04/01 from Jose Cruz, P.T.
- Hauser Radiology Associates: MRI lumbosacral spine dated 05/01/01
- Spectrum Imaging: MRI lumbar spine dated 05/01/01
- Chiropractic Professionals: Follow-up Visit notes dated 04/23/01 through 05/19/03 from Michael Mauger, D.C.
- Chiropractic Professionals: Report dated 04/20/01 from Michael Mauger, D.C.
- Crawford & Company: Transmittal Letter signed 04/05/01 from Lizette Fiedler, Adjuster
- Claims Management, Inc.: Independent Review Organization Summary dated 03/19/01
- North Bay Hospital: Emergency Physician Record dated 03/19/01
- Emergency Department Record dated 03/19/01
- North Bay Hospital: Admitting Form dated 03/19/01
- Employer's First Report of Injury or Illness dated 07/29/93

The independent review organization shall certify that each physician or other health care provider who reviews the decision certifies no known conflicts of interest exist between that provider and the injured employee, the injured employee's employer, the injured employee's insurance carrier, the utilization review agent, or any treating doctors or insurance carrier health care providers who reviewed the case for the decision before referral to the independent review organization. The reviewing physician is on TDI's Approved Doctor List.

This decision by MCMC is deemed to be a Division decision and order (133.308(p) (5)).

### **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.

This decision is deemed received by you 5 (five) days after it was mailed (28Tex.Admin. Code 102.4(h)(2) or 102.5(d)). A request for a hearing **and a copy of this decision** should be sent to:

Chief Clerk of Proceedings / Appeals Clerk  
Texas Department of Insurance Division of Workers' Compensation  
P.O. Box 17787  
Austin, Texas, 78744  
Fax: 512-804-4011

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

**In accordance with commission rule 102.4(h), 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**

**16<sup>th</sup> day of November 2005.**

**Signature of IRO Employee:** \_\_\_\_\_

**Printed Name of IRO Employee:** \_\_\_\_\_