

December 21, 2005

[Claimant]

Re:    **MDR #:**            M2-06-0283-01            **Injured Employee:**    \_\_\_  
      **DWC #:**            \_\_\_                            **DOI:**                    \_\_\_  
      **IRO Cert. #:**    5055                        **SS#:**                    \_\_\_

**TRANSMITTED VIA FAX TO:**  
**TDI, Division of Workers' Compensation**  
Attention:  
Medical Dispute Resolution  
Fax: (512) 804-4868

**REQUESTOR:**  
Robert Earle, MD  
Attention: Nora  
Fax: (956) 686-9444

**RESPONDENT:**  
Texas Mutual Ins Co  
Attention: Latrice Giles  
Fax: (512) 404-3980

**TREATING DOCTOR:**  
Marc McDaniel, DC  
Fax: (956) 668-8546

Dear Mr. \_\_\_:

In accordance with the requirement for DWC to randomly assign cases to IROs, DWC assigned your case to IRI for an independent review. IRI has performed an independent review of the medical records to determine medical necessity. In performing this review, IRI reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

I am the Secretary and General Counsel of Independent Review, Inc. and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him 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 Independent Review Organization. Information and medical records pertinent to this medical dispute were requested from the Requestor and every named provider of care, as well as from the Respondent. The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is a board certified in Pain Management and is currently listed on the DWC Approved Doctor List.

We are simultaneously forwarding copies of this report to the payor and the TDI, Division of Workers' Compensation. This decision by Independent Review, Inc. is deemed to be a DWC decision and order.

#### 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.

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 December 21, 2005.

Sincerely,

Gilbert Prud'homme  
General Counsel

GP/dd

#### **REVIEWER'S REPORT** **M2-06-0283-01**

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##### **Information Provided for Review:**

DWC-60, Table of Disputed Services, EOB's

From Requestor:

Office Visit 08/26/05

PT Notes 09/20/04 – 10/28/04

From Respondent:

Correspondence

Designated Review

Bone & Joint:

Office Notes 03/27/04 – 10/21/05

Orthopedics:

Office Notes 10/14/04 – 09/28/05

OR Report 04/14/04 – 11/15/04

Radiology 04/14/04

Pain Management:

Office Visit 04/22/04

PT Notes 07/15/04 – 08/30/05

Radiology 09/07/04

**Clinical History:**

This claimant sustained a work-related injury on \_\_\_\_, which has resulted in ongoing neck pain as well as some knee pain and low back pain. The claimant has undergone multiple treatment trials including cervical fusion surgery followed by physical therapy as well as a variety of medication trials including anti-inflammatory medications as well as other analgesics such as Ultracet and short-acting narcotics such as Darvocet or hydrocodone preparations. Despite these interventions and treatment trials including treatment and pain management, the claimant continues to be troubled with ongoing pain as well as some psychological components, which have included depression for which the patient has already tried individual counseling and therapy as well as medications. Therefore, he has been referred for treatment at a multidisciplinary chronic pain management program.

**Disputed Services:**

Ten sessions of a multidisciplinary chronic pain management program.

**Decision:**

The reviewer disagrees with the determination of the insurance carrier and is of the opinion the treatment in dispute as stated above is medically necessary in this case.

**Rationale:**

It appears from my review of records that this claimant has already undergone several different treatment trials but continues to be troubled with ongoing pain that has interfered with his ability to resume a productive lifestyle and may also be causing or influenced by psychological conditions such as depression. For this reason as well as continued need to take analgesics, etc., I believe that a trial with a multidisciplinary chronic pain management program would be reasonable. It is hoped that this multifaceted, combined approach can help this claimant not only with the pain condition but also with tools and strategies to utilize to cope with any ongoing pain in order to eventually lead a more productive lifestyle, both at home and at work, etc. Attention can also be given to any ongoing psychological or emotional factors such as depression, etc.

Because this claimant has already undergone multiple treatment trials with multiple specialists including a cervical fusion surgery, I believe that he would be a reasonable candidate now for a chronic pain management program with a multidisciplinary approach and feel that this should be considered medically necessary at this time.