

MCMC

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

Date:	12/14/2005
Injured Employee:	
Address:	
MDR #:	M2-06-0364-01
DWC #:	
MCMC Certification #:	IRO 5294

REQUESTED SERVICES:

Please review the item(s) in dispute: Pre-authorization request: Two (2) epidural steroids injections (ESIs) with fluoroscopy and four to six (4-6) trigger point injections (TPIs).

DECISION: **Upheld**

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 12/14/2005, concerning the medical necessity of the above referenced requested service, hereby finds the following:

Two (2) epidural steroid injections (ESIs) with fluoroscopy and four to six (4-6) trigger point injections (TPIs) are not medically necessary.

CLINICAL HISTORY:

The injured individual is a 72 year old female with a chronic back and right leg pain despite two (2) surgeries. She had ESIs before the surgery and multiple times in the years post-surgery. None of these have provided any long term relief or even relief beyond a month or so. Therefore, repeating them without any indication of real relief is not warranted.

RATIONALE:

The injured individual is a 72 year old female with date of injury _____. The injured individual had two (2) subsequent lumbar surgeries. Postoperative MRI and CT showed spondylolisthesis and vertebral compressions with bulges. Electromyogram (EMG) in 2004 showed a right S1 radiculopathy and she constantly complained of right leg pain. She has been under the care of

Dr. Carrasco since 08/2000 but prior to this received ESIs by another physician. Dr. Carrasco has done intermittent ESIs and TPIs. She also gets TPIs from another physician. The follow up notes to the multiple series of ESIs and TPIs indicate little success. For example, ESIs/TPIs done in 07/2000 and 08/2000 had follow up in 09/2000 which states she has had no improvement even with higher Vicodin doses and she was hospitalized for pain control. ESIs/TPIs done 07/2001 had follow up 09/2001 with more of the same injections indicating a short duration of relief; she had follow up in 11/2001 stating she complained of increased back pain and numbness in her legs. ESIs/TPIs were then done in 11/2001 and 12/2001 with follow up in 01/2002 stating she had a flare up of her pain. This pattern continues on throughout the years. The ESIs/TPIs are denied for multiple reasons. First, they are producing no long term effect therefore do not warrant repeating. Second, the efficacy of an ESI in a chronic injury or a post-surgical back is minimal.

RECORDS REVIEWED:

- Notification of IRO Assignment dated 11/18/05
- MR-117 dated 11/18/05
- MR-100 dated 09/23/98
- DWC-60
- DWC-64: Specific and Subsequent Medical Reports dated 08/22/00, 08/07/00, 07/05/00
- DWC-73: Work Status Reports dated 04/03/01, 06/04/02, 06/24/02, 04/21/03 and one undated
- DWC-69: Report of Medical Evaluations dated 03/05/98 through 09/22/01
- MCMC: IRO Medical Dispute Resolution M2 Prospective Pre-Authorization dated 11/18/05
- First Health: Notification of Appeal Outcome dated 10/21/05
- First Health: Letter dated 10/03/05 from Jay Subbarao, M.D.
- Carrasco Pain Institute: Follow Up Examination notes dated 09/27/05, 07/26/05, 05/24/05, 04/12/05, 03/01/05 from A. T. Carrasco, M.D.
- Texas Pain Institute: History/Surgeon's Records dated 03/24/05, 03/10/05, 08/11/04
- Carrasco Pain Institute: Operative Reports dated 03/24/05, 03/10/05 from A. T. Carrasco, M.D.
- Supply Lists dated 03/24/05, 03/10/05, 08/11/04
- Texas Pain Institute: Operative Report dated 08/11/04 from A. T. Carrasco, M.D.
- Angel Roman, M.D.: MRI lumbar spine without enhancement dated 02/06/04
- Susan Barnes, R.N.: Reports dated 01/15/04, 12/05/03, 01/30/03, 08/13/02
- Neurology Center of San Antonio: Independent Medical Examination dated 01/08/04 from Wayne Gordon, M.D.
- Betty Jane Yowell, R.N. : Report dated 06/26/03
- David Hirsch, D.O.: EMG/nerve conduction study dated 04/21/03
- Texas Pain Institute: Work/School Status notes dated 02/05/03, 04/03/01, 02/01/01
- Health Net-Plus: Letter dated 02/03/03 from David Ingram, M.D.
- Spendero Imaging & Treatment Center: MRI lumbar spine without contrast dated 10/16/02
- Texas Physical Medicine & Rehabilitation Institute: Follow-up Office Visit/EMG & NCV Studies dated 03/05/02

- DME Prescriptions dated 02/18/02, 01/16/02, 10/04/01
- Gilbert R. Meadows, M.D.: Letter dated 02/14/02
- EOS: Treatment Recommendations dated 10/08/01 through 03/04/05
- South Texas Spinal Clinic: Letter of Medical Necessity dated 10/04/01 from Gilbert Meadows, M.D.
- Alternate DWC-62 with audit date of 09/26/01
- Texas Physical Medicine & Rehabilitation: Fax cover sheet dated 08/06/01
- South Texas Spinal Clinic: Certification of Medical Necessity dated 01/12/01 (handwritten)
- South Texas Spinal Clinic: Letters dated 08/06/01, 05/21/98 from Gilbert Meadows, M.D.
- Glenda C. Kight: Patient Flow Sheet dated 06/28/01
- James Hood, M.D.: Report dated 12/28/00
- Frio Rehabilitation Center: Outpatient Therapy Prescription dated 12/21/00
- Corvel: Recommendation Sheet dated 11/13/00
- Maruicio A. Escobar, M.D.: Letters dated 11/11/00, 07/26/00, 08/22/98
- Texas Physical Medicine & Rehabilitation Institute: Follow up Office Visit notes dated 11/09/00 through 08/18/05 from Angel Roman, M.D.
- Corvel: Utilization Review dated 11/05/00
- Workman's Compensation Information note dated 10/26/00
- Christus Santa Rosa Health Care: Handwritten Progress Notes dated 10/18/00 through 10/25/00
- Texas Pain Institute: Preauthorization Request dated 10/17/00
- Christus Santa Rosa Health Care: Operative Report dated 10/16/00
- Christus Santa Rosa: Rehabilitation Psychology Initial Evaluation dated 10/16/00 (handwritten)
- M&S Imaging: Tomograms of the lumbar spine dated 09/28/00
- Wayne H. Gordon, M.D.: Independent Medical Examinations dated 09/22/00, 08/26/99
- So. Tx. Spinal Clinic: Treatment/Procedure request dated 09/21/00 (handwritten)
- Southwest Texas Methodist Hospital: Pathology report dated 09/11/00
- Southwest Texas Methodist Hospital: CT brain dated 09/11/00, CT chest, abdomen and pelvis dated 09/07/00, CT spine dated 07/28/00
- Southwest Texas Methodist Hospital: Operative Report dated 09/10/00 from Dr. Gary Gossen
- Southwest Texas Methodist Hospital: Operative Reports dated 09/09/00 from Dr. Gary Gossen (colonoscopy and endoscopy)
- Southwest Texas Methodist Hospital: Pelvis ultrasound dated 09/08/00
- Orthotics & Prosthetics by Loreno: Prescription note dated 09/08/00
- Southwest Texas Methodist Hospital: MRI brain dated 09/07/00
- S.W. Texas Methodist Hospital: Bone scan, whole body, dated 09/06/00
- Southwest Texas Methodist Hospital: Handwritten Progress Notes dated 09/06/00 through 09/11/00
- Southwest Texas Imaging Hospital: Bone survey dated 09/05/00
- Methodist Children's Hospital: CT lumbar spine dated 09/05/00
- Texas Pain Institute: Fax Cover Sheet note dated 09/05/00

- Methodist Healthcare System: Patient information sheet dated 09/05/00
- Patient Care Inquiry for the period 09/03/00 through 09/06/00
- Texas Pain Institute: Follow-Up Examination notes dated 08/23/00 through 12/30/04 from A. T. Carrasco, M.D.
- Specialty Surgery and Pain Center: Operative Reports dated 08/16/00 through 07/28/04 from A. T. Carrasco, M.D.
- Texas Pain Institute: Letters dated 08/09/00, 08/07/00 from A. T. Carrasco, M.D.
- Texas Pain Institute: Lab report dated 08/07/00
- Baptist Health System: Pre-Anesthesia Evaluation dated 06/14/00
- Baptist Health System: Anesthesia Record dated 06/13/00
- Baptist Health System: History and Physical dated 06/13/00 from Gilbert Meadows, M.D.
- Baptist Health System: Operative Report dated 06/13/00 from Gilbert Meadows, M.D.
- Joseph R. Luna, M.D.: Letter dated 06/12/00
- Christus Santa Rosa Health Care: Stress Test Report dated 06/11/00
- Cardiology of San Antonio: Echocardiogram Report dated 06/09/00
- Cardiology of San Antonio: Handwritten Office Consultation dated 06/09/00 from Guillermo Reyes, M.D.
- Baptist Health System: Discharge Summary dated 04/13/00 from Gilbert Meadows, M.D.
- Michael A. Earle, M.D.: Office visit note dated 04/12/00
- Phoenix Medical Associates: Progress notes dated 03/30/00, 02/24/00 from Anand Mehendale, M.D.
- DWC: Recommendation for Spinal Surgery dated 03/23/00
- James L. Growney, D.O.: Return visit notes dated 02/17/00, 02/07/00
- James L. Growney, D.O.: Initial Visit report dated 01/31/00
- Peter M. Garcia, M.D.: Report dated 11/18/99 with attached handwritten Lumbar Worksheet
- San Antonio Orthotics Corporation: Prescription note dated 11/17/99
- Options: Summary of Findings dated 08/26/99
- National Healthcare Resources, Inc.: Letter dated 08/12/99
- Thomas Padgett, M.D.: Medical Record Review dated 10/01/98
- PRNA: Letters dated 09/15/98, 06/16/98
- PRNA: Letters dated 09/14/98, 10/01/98 from Brenda Hayes, Medical Cost Containment Consultant
- Letter dated 09/04/98 addressed to Brenda Hayes, LVN, R.N. (doctor's name not visible)
- IRM: Fax cover sheet dated 08/98
- DWC: Specific and Subsequent Medical Reports dated 05/04/98, 04/20/98, 03/09/98, 02/24/98 and one signed 03/10/98
- Home Health Certification and Plan of Care signed 04/29/98
- PRNA: Pre-Authorization Request and Recommendation faxes dated 04/20/98, 04/02/98, 03/25/98, 02/20/98
- Southwest Texas Methodist Hospital Consultation Report dated 04/01/98 from Dr. Gordon Willey
- Southwest Texas Methodist Hospital: Operative Report dated 04/01/98 from Dr. Gilbert Meadows

- Frio Hospital: Emergency Department Physician Record dated 03/24/98 (handwritten)
- Frio Hospital: Nursing Assessment dated 03/24/98 (handwritten)
- South Texas Spinal Clinic: Office visit notes dated 03/23/98 through 03/25/03 from Gilbert Meadows, M.D.
- Mauricio Escobar, M.D.: Prescription note dated 02/24/98
- Frio Hospital: Discharge Summary dated 02/13/98 from Mauricio Escobar, M.D.
- Frio Hospital: CT lumbosacral spine dated 02/12/98
- Physician's Orders (handwritten) dated 02/11/98 through 02/13/98
- Frio Hospital: Outpatient Record dated 02/11/98
- Frio Hospital: History & Physical dated 02/11/98 from Mauricio Escobar, M.D.
- Handwritten Progress Notes dated 02/11/98 through 02/13/98 (two pages)
- Frio Hospital: Nursing Discharge Summary dated 02/13/98
- RN Assessment forms dated 02/13/98, 02/12/98, 02/11/98
- Frio Hospital: Physical Therapy Initial Evaluation for Inpatients dated 02/12/98 (handwritten)
- Frio Hospital: Radiographs of the lumbosacral spine, PA and lateral chest dated 02/11/98
- Employer's First Report of Injury or Illness dated 02/09/98
- DWC: Initial Medical Report dated 02/09/98
- Gordon D. Willey, M.D.: Letter dated 01/29/98
- Gordon Willey, M.D.: Handwritten Progress Notes (one page – year 1998, day and month not legible)
- Texas Pain Institute: Undated letter from Billing/Collections Department regarding 1996 DWC Medical Fee Guidelines
- Carrasco Pain Institute: Undated Preop History Assessments (three)
- Texas Pain Institute: Undated Pain Management Anesthesia Records (three)
- Texas Pain Institute: Undated Post Anesthesia Room Records (two)
- Undated Nursing Interventions with associated Observations/Outcomes (six pages)
- National Comp. Care Inc: Undated letter from Louise Bosley
- RCH Protect Coop: List of medical professionals
- Undated Required Medical Examination Notice or Request for Order
- Texas Department of Public Safety: Drivers License for claimant
- Undated exercise sheet for hip and knee
- Undated Insurance Verification Form
- Undated typed note regarding breakdown of materials used for incision

The reviewing provider is a **Licensed/Boarded Pain Management/Anesthesiologist** and certifies that no known conflict of interest exists between the reviewing **Pain Management/Anesthesiologist** 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 prior to referral to the IRO. The reviewing physician is on DWC's Approved Doctor List.

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

14th day of December 2005.

Signature of IRO Employee: _____

Printed Name of IRO Employee: _____