

# MEDICAL REVIEW OF TEXAS

[IRO #5259]

10817 W. Hwy. 71

Austin, Texas 78735

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## NOTICE OF INDEPENDENT REVIEW DETERMINATION

TDI-WC Case Number:	
MDR Tracking Number:	M2-06-0633-01
Name of Patient:	
Name of URA/Payer:	Texas Mutual Insurance Co.
Name of Provider: (ER, Hospital, or Other Facility)	
Name of Physician: (Treating or Requesting)	Dean R. McMillan, MD

March 2, 2006

An independent review of the above-referenced case has been completed by a medical physician board certified in Physical Medicine and Rehabilitation. The appropriateness of setting and medical necessity of proposed or rendered services is determined by the application of medical screening criteria published by Texas Medical Foundation, or by the application of medical screening criteria and protocols formally established by practicing physicians. All available clinical information, the medical necessity guidelines and the special circumstances of said case was considered in making the determination.

The independent review determination and reasons for the determination, including the clinical basis for the determination, is as follows:

See Attached Physician Determination

Medical Review of Texas (MRT) hereby certifies that the reviewing physician is on the Division of Workers' Compensation Approved Doctor List (ADL). Additionally, said physician has certified that no known conflicts of interest exist between him and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for determination prior to referral to MRT.

Sincerely,

Michael S. Lifshen, MD  
Medical Director

cc: Dean R. McMillan, MD  
Division of Workers' Compensation

#### CLINICAL HISTORY

Records received for review included:

- Pain & Recovery Clinic correspondence, treatment notes (9/05 – 2/06); and
- Texas Mutual Insurance position paper, correspondence, treatment notes.

Mr. \_\_\_ was injured while working for On Our Own Services. He was walking alongside the freeway, inadvertently step into a hole and injured his left knee. He has had arthroscopic surgery to his left knee and failed a work-hardening program due to pain and swelling in his knee. He has been started in a pain management program and received 20 sessions of care.

His visual analog pain score is 4-5/10. He has related depression and anxiety, difficulty making behavioral changes and has increased his self care routines and documented to be in the preliminary stages of implementing vocational changes. His visual analog pain score changed from a 6/10 to a 4/10. His GAF went from 60 to 62.

#### REQUESTED SERVICE(S)

Chronic pain management program – 10 sessions.

#### DECISION

Denied.

#### RATIONALE/BASIS FOR DECISION

There is no documented evidence of significant improvement despite the letters stating to the contrary with this individual with benefit from additional treatment. Certainly, vocational issues could be addressed with DARS and do not require him to be involved in the program. Overall, after 18 sessions of treatment, his issues appear to be the same as those they are still trying to address and he had made no real change in his perceived level of pain or his issues of fear of injury, fear of inability to support himself, etc.

### Certification of Independence of Reviewer

As the reviewer of this independent review case, I do hereby certify that I have no known conflicts of interest between the 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.

### 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  
Division of Workers' Compensation  
P.O. Box 17787  
Austin, Texas 78744

Or fax the request to (512) 804-4011. A copy of this decision must be attached to the request.

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

In accordance with 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 6<sup>th</sup> day of March 2006.

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

Printed Name of IRO Employee: Cindy Mitchell