



## CompPartners Final Report



CompPartners Peer Review Network  
Physician Review Recommendation  
Prepared for TDI/DWC

**Claimant Name:** \_\_\_\_\_  
**Texas IRO # :** \_\_\_\_\_  
**MDR #:** M2-06-0862-01  
**Social Security #:** \_\_\_\_\_  
**Treating Provider:** Jason Eaves, DC  
**Review:** Chart  
**State:** TX  
**Date Completed:** 6/29/06

### **Review Data:**

- **Notification of IRO Assignment dated 3/8/06, 1 page.**
- **Receipt of Request dated 3/8/06, 1 page.**
- **Medical Dispute Resolution Request/Response dated 2/16/06, 2 pages.**
- **Table of Disputed Services (date unspecified), 1 page.**
- **List of Treating Providers (date unspecified), 1 page.**
- **Fax Cover Sheet dated 3/8/06, 1/6/06, 12/28/05, (date unspecified), 4 pages.**
- **SOAP Note dated 3/8/06, 1 page.**
- **MDR-Summary for Concurrent Care of Work Hardening Program dated 2/9/06, 1/20/06, 2 pages.**
- **Pre-Authorization Request TWCC Advisory 96-11 dated 1/6/06, 12/28/05, 2 pages.**
- **Letter of Reconsideration for Concurrent Care of Work Hardening Program dated 1/6/06, 1 page.**
- **Notice of Pre-Authorization dated 1/6/06, 12/28/05, 2 pages.**
- **Subsequent Evaluation dated 1/5/06, 1/2/06, 5 pages.**
- **Work Hardening Group Note dated 12/26/06, 12/16/05, 2 pages.**
- **Concurrent Care for WHP dated 12/22/05, 1 page.**
- **Operative Report dated 11/30/05, 10/12/05, 2 pages.**
- **Work Hardening Assessment Psychosocial History dated 11/4/05, 4 pages.**
- **Weekly Notes dated 12/26/05, 12/22/05, 12/21/05, 12/20/05, 12/19/05, 12/16/05, 12/15/05, 12/14/05, 12/13/05, 12/12/05, 2 pages.**
- **Electrodiagnostic Examination dated 10/14/05, 2 pages.**
- **Final Report dated 8/15/06, 1 page.**

**Reason for Assignment by TDI/DWC:** Determine the appropriateness of the previously denied request for work hardening, 20 sessions.

### **Determination: PARTIAL –**

**UPHELD –** 10 sessions, work hardening.

**REVERSED –** 10 sessions, work hardening.

**Rationale:**

**Patient's age:** 48 years

**Gender:** Female

**Date of Injury:** \_\_\_\_

**Mechanism of Injury:** While working as a housekeeper, she was emptying trash and while lifting the plastic liner (filled with trash) above her head, the opened automatic door closed on her, hitting her on the left side of her back (while her arms were overhead).

**Diagnoses:** Lumbar sprain strain, cervical spine strain sprain, facet syndrome, myalgia, radiculitis, anxiety and depression.

There was a report dated 12/22/05 from J.L. Eaves, DC, indicating that the claimant had completed 9 sessions of work hardening and had made a 46.67% improvement in lifting floor to waist at 22 pounds, a 38.46% improvement in waist to shoulder with 18 pounds, and a 44.44% improvement carrying with 26 pounds. He claimed that she should have 20 more sessions to achieve a physical capacity of heavy physical demand capacity (PDC) to achieve her goal. It is not known by the reviewer if these 9 sessions have been reviewed. Nevertheless, it appears that this appeal is secondary to a prior denial of 20 additional sessions. This reviewer would like to point out that when the Department of Labor website is referenced for housekeeper, medical facility; it indicates that there is a medium duty demand level not heavy as is indicated by Dr. Eaves. There was no employer's information indicating an actual performance demand level for this claimant specifically. The appeal letter dated 1/6/06 from Jason Eaves, indicated that the claimant had completed at least 10 work hardening sessions, and he was requesting appeal for 20 more sessions of work hardening, due to continued lack of strength and endurance. She has also had both active and passive care, as well as lumbar epidural steroid injection (ESI) procedures for this patient who claimed 50% improvement after the first ESI, and had the second ESI by Urfan Dar, MD on 11/30/05. An examination report from C.P. Garcia, MD on 1/2/06, indicated that she is 4' 11" inches tall and weighs 241 pounds. She reported tingling in her arms and legs; her mental status was "flat effect". She continued to report aches and pains in the low back and neck. Sensation was decreased at the C6 dermatome on the right and S1 dermatome bilaterally. The motor strength was decreased at 4/5 in her right upper extremity. Dr. Garcia, prescribed the patient Zolof and Soma and recommended a work hardening program. There was an electrodiagnostic study performed by Omar Vidal, MD, which revealed evidence of mild bilateral L5, and moderate bilateral S1 radiculopathy, with no evidence of peripheral neuropathy. Please note he indicated a different date of birth of \_\_\_\_, making her 48 years old not 41 as indicated by a date of birth of \_\_\_\_ on the ESI procedure forms by Dr. Dar, on 10/12/05 and 11/30/05. The MRI of the lumbar spine was performed on 8/12/05, and indicated that at the L3-4 level, a right parasagittal and foraminal disc protrusion was flattening the thecal sac without foraminal encroachment, there was a L4-5 diffuse disc bulge seen flattening the thecal sac with mild bilateral foraminal encroachment, and at L5-S1, a there was a broad based 3.0 mm left subarticular and foraminal disc protrusion noted, impinging upon the exiting left L5 nerve root, with moderate narrowing of the left neuroforamen. There was also an 11/4/05 work hardening assessment psychosocial history report from Rosalind Garza-Harris, LMSW, ACP. There was a third date of birth given of \_\_\_\_, making her 49 years old, with three different birth dates indicated by different examiners. Nevertheless, when this report was summarized, she claimed that she has gained 100 pounds since the injury; she had continued low back and neck pain. She is not a surgical candidate and worked one month under light duty restrictions, then full duty, but then

sought care with a chiropractor Dr. Eaves, due to her continued pain and difficulty performing her essential job functions. She had engaged in individual psychological therapy and had lost 7 pounds and continued to perform various forms of physical therapy, but continued with pain. She had a 3rd grade education. She continued to take Soma twice daily, and Zoloft. She had limited English and her Beck Depression inventory was a 22, indicting moderate depression, her Beck Anxiety inventory was 28, indicating moderate to severe anxiety. She reported feeling sad and discouraged about her future. She was having sleep disturbance and felt disappointment in herself and could no longer cry, even if she wanted to. Her employer is holding her position for her. The work hardening program will emphasize increasing strength; teach proper body mechanics, cardiovascular conditioning, sound ergonomic principles and group therapy. The current request is to determine the medical necessity for IRO dispute resolution for previously denied work hardening for 20 sessions. The medical necessity for 10 more sessions of work hardening would be more appropriate to bring this patient to a medium duty demand level, which is indicated as the proper demand level for a housekeeper in a medical facility or hospital setting, as indicated in the references made available below from the Department of Labor. The treating doctor, J. Eaves, DC, claimed she needs to be at a heavy duty capacity demand level; however, there was no employer form or letter reflecting this heavy duty demand level for her job description. A peer review on 12/28/05, by Dr. Ron Buczek, indicted that he denied the additional 20 visits due to lack of documentation from this provider, about a working diagnosis, if the patient has a job to return to, and if the employer can accommodate her modified duty at this time. This IRO reviewer would like to point out that the diagnoses were included in this packet, that there was a statement from Rosalind Garza-Harris, LMSW, ACP, that she does have a job to return to, and Dr. Eaves, stated that there were no modified duties available at that time. A previous peer review from Lee Moses, DC on 1/6/06, had indicated that since there was no psychological component presented for the review, that a work-conditioning program was more appropriate than a work hardening program, and therefore, denied the request for 20 additional sessions of work hardening. This IRO reviewer would like to point out that there are psychological components of Beck Depression inventory which was a 22, indicting moderate depression, her Beck Anxiety inventory was 28 indicating moderate to severe anxiety. She reported feeling sad and discouraged about her future. She was having sleep disturbance and felt disappointment in herself and could no longer cry even if she wanted to. Her employer is holding her position for her. Therefore, with this information clearly indicated, it is the opinion of this IRO reviewer, that this claimant should be afforded at least 10 more sessions of work hardening to reach a medium duty demand level as the DOT codes indicate is appropriate for her job description, unless otherwise proven by her employer to in fact be heavy duty demand level as Dr. Eaves indicated. She increased her strength over 40% in just 9 previous sessions, according to Dr. Eaves report dated 12/22/05, and therefore, it would be reasonable to anticipate return to work at an at minimum medium duty or even a heavy duty job demand level for that matter, after these additional 10 sessions. The Texas Department of Insurance and DWC rules and regulations and labor codes, as well as the Department of Labor website were used for this modified determination.

**Criteria/Guidelines utilized:** 1) Texas Department of Insurance and DWC rules and regulations. Texas Labor Code 408.021 and specific commission rule TWCC 134.1001 (C) (1) (A) states: The employee is specifically entitled to healthcare that: (1) Cures or relieves the effects naturally resulting from the compensable injury (2) Promotes recovery OR; (3) Enhances the ability of the injured worker to return to or retain employment. 2) CODE: 323.687-010

TITLE(s): CLEANER, HOSPITAL (medical ser.) alternate titles: housekeeper, hospital Cleans hospital patient rooms, baths, laboratories, offices, halls, and other areas: Washes beds and mattresses, and remakes beds after dismissal of patients. Keeps utility and storage rooms in clean and orderly condition. Distributes laundered articles and linens. Replaces soiled drapes and cubicle curtains. Performs other duties as described under CLEANER (any industry) I Master Title. May disinfect and sterilize equipment and supplies, using germicides and sterilizing equipment. GOE: 05.12.18 STRENGTH: M GED: R2 M1 L2 SVP: 2 DLU: 87

**Physician Reviewers Specialty:** Chiropractor

**Physician Reviewers Qualifications:** Texas Licensed DC, BSRT, FIAMA Chiropractor and is also currently listed on the TDI/DWC ADL list.

**CompPartners, Inc. hereby certifies that the reviewing physician or provider has certified that 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 of the treating doctors or insurance carrier health care providers who reviewed the case for the decision before the referral to CompPartners, Inc.**

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.

***In accordance with Division Rule 102.4(h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, requestor, claimant and the Division via facsimile or U.S. Postal Service from the office of the IRO on this 29<sup>th</sup> day of June, 2006.***

***Signature of IRO Employee:***



***Printed Name of IRO Employee***

***Lee-Anne Strang***

***Senior PRN Supervisor CompPartners***