

March 24, 2006

TX DEPT OF INS DIV OF WC  
AUSTIN, TX 78744-1609

CLAIMANT:

EMPLOYEE:

POLICY: M2-06-0884-01

CLIENT TRACKING NUMBER: M2-06-0884-01 / 5278

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Medical Review Institute of America (MRIOA) has been certified by the Texas Department of Insurance as an Independent Review Organization (IRO). The Texas Department of Insurance Division of Workers Compensation has assigned the above mentioned case to MRIOA for independent review in accordance with DWC Rule 133 which provides for medical dispute resolution by an IRO.

MRIOA has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed. Itemization of this information will follow.

The independent review was performed by a peer of the treating provider for this patient. The reviewer in this case is on the DWC approved doctor list (ADL). The reviewing provider has no known conflicts of interest existing 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 decision before referral to the IRO.

**Records Received:**

Records Received from the State:

- Notification of IRO Assignment, 3/13/06 - 2 pages
- Medical Dispute Resolution Request/Response, 3/13/06 - 3 pages
- Table of Disputed Services, undated - 1 page
- Letter from Intracorp to Positive Pain Management, 2/13/06 - 2 pages
- Letter from Intracorp to Positive Pain Management, 1/18/06 - 3 pages

Records Received from the Respondent (TPCIGA for Centre Insurance Company):

- Letter from Flahive, Ogden, and Latson Attorneys at Law to MRIOA, 3/20/06 - 2 pages

(continued)

- Employer's First Report of Injury or Illness, 6/27/00 - 1 page
- Office Notes from Eric H. Scheffey, MD, 6/9/03 - 2 pages
- Spinal Curvature Reports from Advanced Radiological Associates, 6/9/03 - 16 pages
- Biomechanical Report from Advanced Radiological Associates, 8/1/03 - 1 page
- Texas Workers' Compensation Work Status Report, 5/30/03 - 1 page
- Patient Notes from Mission Orthopaedics, PA, 5/30/03 - 1 page
- Spinal Curvature Reports from Dr. Bertoni, Prism Diagnostic, 2/10/03 - 6 pages
- Certificate of Medical Necessity and Prescription, Including Clinical Rationale, 10/23/01 - 1 page
- Surgical Pathology Report from Vista medical Center Hospital, 10/5/01 - 1 page
- Supply Sheet, 10/26/01 - 1 page
- Office Notes from Eric H. Scheffey, MD, 10/26/01 - 1 page
- List of CPT Codes, undated - 1 page
- Acute Pain Management Sheet, 10/5/01-10/12/01 - 1 page
- Acute Pain Management Service Progress Notes, 10/6/01-10/8/01
- Radiographic Pathological Report from Advanced Radiological Associates, 2/24/03 - 1 page
- Radiographic Pathological Report from Advanced Radiological Associates, 3/24/03 - 1 page
- Texas Workers' Compensation Work Status Report, 5/30/03 - 1 page
- Patient Notes from Mission Orthopaedics, PA, 5/30/03 - 1 page
- Office Notes from Eric H. Scheffey, MD, 4/28/03 - 2 pages
- Spinal Curvature Reports from Advanced Radiological Associates, 4/28/03 - 14 pages
- Radiographic Pathological Report from Advanced Radiological Associates, 4/28/03 - 1 page
- Letter from Mitchell Brooks, MD to CorVel Corporation, 7/9/03 - 2 pages
- Letter from Eric H. Scheffey, MD to REM Managed Care Services Center, 7/21/03 - 2 pages
- Office Notes from Eric H. Scheffey, MD, 4/28/03 - 2 pages
- Texas Workers' Compensation Commission Medical Review Division, MS-48 Medical Dispute Resolution Findings and Decision, 4/14/03 - 4 pages
- Office Notes from Eric H. Scheffey, MD, 4/28/03 - 2 pages
- Letter from Eric H. Scheffey, MD to Texas Workers Compensation Commission, 4/16/03 - 1 page
- Office Notes from Eric H. Scheffey, MD, 1/29/03 - 2 pages
- Spinal Curvature Reports from Advanced Radiological Associates, 12/18/02 - 12 pages
- Office Notes from Eric H. Scheffey, MD, 1/29/03 - 2 pages
- Operative Report from Vista Medical Center Hospital, 10/24/02 - 5 pages
- Request for Reconsideration from East Harris County Ortho, 1/30/03 - 1 page
- Operative Report from Vista Healthcare Inc, 8/30/01 - 1 page
- Operative Report from Vista Medical Center Hospital, 10/24/02 - 5 pages
- Office Notes from Eric H. Scheffey, MD, 3/24/03 - 2 pages
- Office Notes from Eric H. Scheffey, MD, 2/24/03 - 3 pages
- Radiographic Pathological Report from Advanced Radiological Associates, 12/18/02 - 1 page
- Spinal Curvature Reports from Advanced Radiological Associates, 12/18/02 - 1 page
- Surgical Pathology Report from Vista Medical Center Hospital, 10/24/02 - 1 page
- Office Notes from Eric H. Scheffey, MD, 10/21/02 - 2 pages

- Request for Reconsideration from Indevour Business Services LP, 11/5/03 – 1 page
- Spinal Curvature Reports from Advanced Radiological Associates, 6/9/03 – 1 page
- Office Notes from Eric H. Scheffey, MD, 7/7/03 – 2 pages
- Biomechanical Report from Advanced Radiological Associates, 8/1/03 – 1 page
- Office Notes from Eric H. Scheffey, MD, 6/9/03 – 2 pages
- Office Notes from Eric H. Scheffey, MD, 8/20/03 – 2 pages
- Required Medical Examination from Baylor Sports Medicine Institute, 10/2/03 – 2 pages
- Bill Sheet from East Harris County Orthopedic Associates, 10/8/03 – 1 page
- Office Notes from Floyd Hardimon, DO, 10/8/03 – 1 page
- Handwritten Office Notes, 10/15/03 – 1 page
- Letter from East County Orthopedic Associates, PA to REM Managed Care Services Center, 10/20/03 – 2 pages
- Letter from East County Orthopedic Associates, PA to REM Managed Care Services Center, 10/20/03 – 2 pages
- Request for Reconsideration from East Harris County Ortho, 11/7/03 – 1 page
- DWC-69 Report of Medical Evaluation, 2/13/02 – 1 page
- Nerve Conduction Velocity from Pars Neurological, PA, 11/11/03 – 2 pages
- Office Notes from Floyd Hardimon, DO, 12/3/03 – 1 page
- Letter from Pain Management Consultants to Whom it May Concern, 2/25/04 – 1 page
- RX Medical Prescription, 4/12/04 – 1 page
- Information on the RS-4i Sequential Stimulator, undated – 3 pages
- Letter from Pain Management Consultants to Whom it May Concern, 4/2/04 – 1 page
- Texas Workers' Compensation Work Status Report, 4/27/04 – 1 page
- Initial Visit Comprehensive Evaluation from Pain Management Consultants, 3/26/04 – 2 pages
- Texas Workers' Compensation Work Status Report, 3/26/04 – 1 page
- Office Notes from David E. Tomaszek, MD, 4/27/04 – 1 page
- Letter from Intracorp to Risk Enterprise Management, 5/10/04 – 3 pages
- Letter from Intracorp to Risk Enterprise Management, 5/18/04 – 2 pages
- Email from Dallas Care Center to REM Managed Care Services Center, 5/14/04 – 1 page
- Email from Dallas Care Center to REM Managed Care Services Center, 5/20/04 – 1 page
- Letter from Intracorp to Risk Enterprise Management, 5/20/04 – 2 pages
- Email from Intracorp to REM Managed Care Services Center, 5/24/04 – 1 page
- Letter from Intracorp to Risk Enterprise Management, 5/24/04 – 2 pages
- Follow-Up Office Visit from Pain Management Consultants, 4/23/04 – 1 page
- Follow-Up Office Visit from Pain Management Consultants, 5/21/04 – 1 page
- CT Lumbar Without Contrast from River Oaks Imaging and Diagnostic, 5/26/04 – 2 pages
- Texas Workers' Compensation Work Status Report, 5/25/04 – 1 page
- Follow-Up Office Visit from Pain Management Consultants, 7/1/04 – 1 page
- Office Notes from David E. Tomaszek, MD, 6/14/04 – 1 page
- Texas Workers' Compensation Work Status Report, 7/6/04 – 1 page
- Letter from Pain Management Consultants to Whom it May Concern, 7/16/04 – 1 page
- Operative Report from Vista Medical Center Hospital, 8/19/04 – 2 pages
- Letter from Intracorp to Risk Enterprise Management, 8/6/04 – 2 pages

- Discharge Summary from Vista Medical Center Hospital, 8/19/04 – 1 page
- Operative Report from Vista Medical Center Hospital, 8/19/04 – 2 pages
- Letter from Intracorp to Risk Enterprise Management, 9/16/04 – 2 pages
- Letter from Intracorp to Dr. Ron Ziegler, 9/16/04 – 1 page
- Texas Workers' Compensation Work Status Report, 8/27/04 – 1 page
- Letter from Pain Management Consultants to Whom it May Concern, 10/5/04 – 1 page
- Psychological Evaluation Report from Garland Psychological Center, 9/28/04 – 4 pages
- Letter from Pain Management Consultants to Whom it May Concern, 1/19/05 – 1 page
- Texas Workers' Compensation Work Status Report, 12/27/04 – 1 page
- Letter from Intracorp to Risk Enterprise Management, 3/9/05 – 2 pages
- Texas Workers' Compensation Work Status Report, 2/18/05– 1 page
- Follow-Up Office Visit from Pain Management Consultants, 3/17/05 – 1 page
- Required Medical Examination from Mark W. Maffet, MD, 3/29/05 – 2 pages
- Texas Workers' Compensation Work Status Report, 3/21/05– 1 page
- Functional Capacity Evaluation from Healthsouth Evaluation Center, 5/4/05 – 12 pages
- Follow-Up Office Visit from Pain Management Consultants, 4/14/05 – 1 page
- Letter from Pain Management Consultants to Whom it May Concern, 4/8/05 – 1 page
- Functional Capacity Evaluation from Healthsouth Evaluation Center, 5/4/05 – 8 pages
- Texas Workers' Compensation Work Status Report, 4/15/05– 1 page
- Follow-Up Office Visit from Pain Management Consultants, 5/12/05 – 1 page
- Texas Workers' Compensation Work Status Report, 5/13/05– 1 page
- Individual Psychotherapy Progress Note and Ongoing Treatment Recommendations from Garland Psychological Center, 5/2/05 – 1 page
- Texas Workers' Compensation Work Status Report, 6/3/05– 1 page
- Texas Workers' Compensation Work Status Report, 5/13/05– 1 page
- Biofeedback Session Report from Garland Psychological Center, 5/31/05 – 1 page
- Biofeedback Session Report from Garland Psychological Center, 6/7/05 – 1 page
- Individual Psychotherapy Progress Note and Ongoing Treatment Recommendations from Garland Psychological Center, 6/7/05 – 1 page
- Individual Psychotherapy Progress Note and Ongoing Treatment Recommendations from Garland Psychological Center, 5/31/05 – 1 page
- Letter from Intracorp to Risk Enterprise Management, 7/6/05 – 2 pages
- Initial Office Visit Notes from South Texas Spinal Clinic, 7/21/05 – 3 pages
- Letter from Intracorp to Risk Enterprise Management, 7/28/05 – 2 pages
- Letter from Intracorp to Risk Enterprise Management, 7/29/05 – 2 pages
- Texas Workers' Compensation Work Status Report, 7/21/05– 1 page
- Request for Reconsideration from Vista Medical Center Hospital, 10/19/04 – 1 page
- Confidential Health Information Fax from Vista Medical Center Hospital, 7/20/05 – 1 page
- Confidential Health Information Fax from Vista Medical Center Hospital, 7/20/05 – 1 page
- UB92 from Vista Medical Center Hospital, 8/19/04 – 1 page
- Itemized Bill from Vista Medical Center Hospital, 8/19/04 – 3 pages
- Confidential Health Information Fax from Vista Medical Center Hospital, 10/19/04 – 1 page
- Confidential Health Information Fax from Vista Medical Center Hospital, 10/19/04 – 1 page

- Letter from Intracorp to Risk Enterprise Management, 8/17/05 – 2 pages
- Email between One Call Medical and REM, 8/19/05 – 1 page
- Electrodiagnostic Study from David M. Hirsch, DO, 8/26/05 – 2 pages
- Followup Office Visit from South Texas Spinal Clinic, 10/4/05 – 1 page
- Followup Office Visit from South Texas Spinal Clinic, 10/4/05 – 1 page
- Email between One Call Medical and REM, 9/22/05 – 1 page
- Texas Workers' Compensation Work Status Report, 10/4/05– 1 page
- Letter from Intracorp to Risk Enterprise Management, 10/20/05 – 2 pages
- Letter from Intracorp to Risk Enterprise Management, 11/14/05 – 2 pages
- Followup Office Visit from South Texas Spinal Clinic, 12/6/05 – 1 page
- Texas Workers' Compensation Work Status Report, 12/5/05– 1 page
- Letter from Intracorp to Risk Enterprise Management, 12/8/05 – 3 pages
- Biofeedback Session Report from Positive Pain Management, 12/19/05 – 1 page
- Individual Psychotherapy Progress Note from Positive Pain Management, 12/19/05 – 1 page
- Individual Psychotherapy Progress Note from Positive Pain Management, 12/20/05 – 1 page
- Biofeedback Session Report from Positive Pain Management, 12/20/05 – 1 page
- Individual Psychotherapy Progress Note from Positive Pain Management, 12/21/05 – 1 page
- Biofeedback Session Report from Positive Pain Management, 12/21/05 – 1 page
- Individual Psychotherapy Progress Note from Positive Pain Management, 12/22/05 – 1 page
- Biofeedback Session Report from Positive Pain Management, 12/22/05 – 1 page
- Individual Psychotherapy Progress Note from Positive Pain Management, 12/23/05 – 1 page
- Biofeedback Session Report from Positive Pain Management, 12/23/05 – 1 page
- Individual Psychotherapy Progress Note from Positive Pain Management, 12/28/05 – 1 page
- Biofeedback Session Report from Positive Pain Management, 12/28/05 – 1 page
- Email between Intracorp and REM, 1/9/06 – 1 page
- Letter from Intracorp to Risk Enterprise Management, 1/18/06 – 3 pages
- Followup Office Visit from South Texas Spinal Clinic, 1/19/06 – 1 page
- Office Notes from Eric H. Scheffey, MD, 10/14/02 – 2 pages
- History and Physical Examination from Vista Medical Center Hospital, 10/21/02 – 5 pages
- Operative Report from Vista Medical Center Hospital, 10/22/02 – 5 pages
- Discharge Summary from Vista Medical Center Hospital, 10/30/02 – 3 pages
- Office Notes from Eric H. Scheffey, MD, 9/16/02 – 2 pages
- Office Notes from Eric H. Scheffey, MD, 7/22/02 – 2 pages
- Office Notes from Eric H. Scheffey, MD, 6/24/02 – 2 pages
- Office Notes from Eric H. Scheffey, MD, 6/10/02 – 2 pages
- Office Notes from Eric H. Scheffey, MD, 5/13/02 – 2 pages
- Office Notes from Eric H. Scheffey, MD, 8/19/02 – 2 pages
- Lumbar Myelogram Report from Downtown Plaza Imaging Center, 5/29/02 – 2 pages
- Post Lumbar Myelogram CT Scan of the Lumbar Spine from L1–L2 through L5–S1 Report from Downtown Plaza Imaging Center, 5/29/02 – 2 pages
- Chest (PA Single), Lumbar Spine Series (2V, AP and Lateral) Report from Downtown Plaza Imaging Center, 5/29/02 – 1 page
- Anesthesia Evaluation from Downtown Plaza Imaging Center, 5/29/02 – 1 page

- Biomechanical Report from Doctors Diagnostic Services, 9/13/02 - 1 page
- Spinal Curvature Reports from Doctors Diagnostic Services, 6/24/02 - 14 pages
- Anesthesia Evaluation from Downtown Plaza Imaging Center, 5/29/02 - 1 page
- Anesthesia Record, 5/29/02 - 1 page
- Recovery Record from Downtown Plaza Imaging, 5/29/02 - 1 page
- Doctors Practice management, 10/4/01 - 1 page
- Spinal Curvature Reports from Jon Bittick, DC, Sterling Imaging, 3/13/02 - 8 pages
- Radiographic Pathological Report from Advanced Radiological Associates, 9/16/02 - 1 page
- Spinal Curvature Reports from Doctors Diagnostic Services, 9/16/02 - 14 pages
- Radiographic Pathological Report from Advanced Radiological Associates, 10/14/02 - 1 page
- Spinal Curvature Reports from Advanced Radiological Associates, 10/14/02 - 14 pages
- Letter from Vista Healthcare Inc to Texas Workers Compensation Commission, 9/16/02 - 3 pages
- Letter from Preferred Health Network to Vista Healthcare Inc, 7/30/92 - 1 page
- Preferred Health Network and Workers' Compensation Schedule of Charges, 4/23/92 - 2 pages
- Most Frequently Asked Questions about FOCUS Healthcare Management, Inc, undated - 2 pages
- Provider Update from FOCUS Healthcare Management, 4/5/02 - 1 page
- Doctors Practice Management, 10/21/02 - 1 page
- ECG, 10/21/02 - 1 page
- Doctors Practice Management, 10/21/02 - 1 page
- ECG, 10/21/02 - 1 page
- Radiology Report from Doctors Diagnostic Services, 6/10/02 - 1 page
- Biomechanical Report from Doctors Diagnostic Services, 8/20/02 - 1 page
- Referral Form, 8/9/02 - 1 page
- Letter of Medical Necessity from Eric H. Scheffey, MD, 8/9/02 - 2 pages
- Spinal Curvature Reports from Doctors Diagnostic Services, 6/10/02 - 13 pages
- Supply Sheet, undated - 1 page
- Operative Report from Vista Medical Center Hospital, 10/24/02 - 5 pages
- Operative Report from Vista Medical Center Hospital, 10/22/02 - 5 pages
- Postoperative Orders - Spinal Surgery from Eric Scheffey, MD, 10/30/02 - 1 page
- Report of Consultation from Vista Medical Center Hospital, 10/24/02 - 1 page
- Acute Pain Management Service Progress Notes, 10/25/02-10/29/02 - 2 pages
- Healthready Physical Therapy Notes, 10/26/02-10/28/02 - 1 page
- Review of Surgery from RKS Medical Diagnostics Incorporated, 10/24/02 - 2 pages
- Office Notes from Eric H. Scheffey, MD, 12/18/02 - 1 page
- Review of Surgery from RKS Medical Diagnostics Incorporated, 10/24/02 - 2 pages
- Letter from RKS Medical Diagnostics Incorporated to Patient, undated - 1 page
- Operative Report from Vista Healthcare Inc, 8/30/01 - 2 pages
- Discharge Summary from Vista Healthcare Inc, 8/30/01 - 1 page
- Spinal Curvature Reports from Doctors Diagnostic Services, 7/22/02 - 13 pages
- Radiographic Pathological Report from Advanced Radiological Associates, 8/19/02 - 1 page
- Spinal Curvature Reports from Doctors Diagnostic Services, 8/19/02 - 15 pages

- Explanation for #99090 Charge from Spinal Digital Data Analysis Review on Spinal Radiographic Digitization from Doctors Diagnostic Services, 8/19/02 - 1 page
- Radiology Report from Doctors Diagnostic Services, 5/13/02 - 1 page
- Biomechanical Report from Doctors Diagnostic Services, 7/23/02 - 1 page
- Spinal Curvature Reports from Doctors Diagnostic Services, 5/13/02 - 15 pages
- Radiology Report from Doctors Diagnostic Services, 6/10/02 - 1 page
- Biomechanical Report from Doctors Diagnostic Services, 8/20/02 - 1 page
- Spinal Curvature Reports from Doctors Diagnostic Services, 6/10/02 - 14 pages
- Radiology Report from Doctors Diagnostic Services, 6/24/02 - 1 page
- Designated Doctor Evaluation from Carlton Smith, MD, 2/13/02 - 3 pages
- Office Notes from Eric H. Scheffey, MD, 2/13/02 - 2 pages
- Office Notes from Eric H. Scheffey, MD, 1/16/02 - 2 pages
- DWC 69 - Report of Medical Evaluation, 2/13/02 - 1 page
- Designated Doctor Evaluation from Carlton Smith, MD, 2/13/02 - 3 pages
- Lumbar Worksheet, undated - 1 page
- Office Notes from Eric H. Scheffey, MD, 11/26/01 - 1 page
- Utilization Review from REM, 10/8/01 - 1 page
- Supply Sheet, undated - 1 page
- Occupational Therapy Prescription for Treatment from Mission Hospital, 1/24/00 - 1 page
- Patient Notes from Mission Orthopaedic, 4/9/01 - 2 pages
- Patient Notes from Mission Orthopaedic, 3/8/01 - 2 pages
- Patient Notes from Mission Orthopaedic, 8/25/01 - 1 page
- Prescription for Treatment for Occupational Therapy from Mission Orthopaedic, 12/1/01 - 1 page
- Consultation from Vista Medical Center Hospital, 11/27/01 - 2 pages
- Physical Therapy Initial Evaluation, 1/23/02 - 2 pages
- Handwritten Notes from Dr. Scheffey, 1/23/02 - 3 pages
- Physical Therapy Daily Note, 1/28/02 - 1 page
- Physical Therapy Daily Note, 1/30/02 - 1 page
- Physical Therapy Daily Note, 2/1/02 - 1 page
- Physical Therapy Daily Note, 2/7/02 - 1 page
- Physical Therapy Daily Note, 2/8/02 - 1 page
- Physical Therapy Daily Note, 2/11/02 - 1 page
- Physical Therapy Daily Note, 2/13/02 - 1 page
- Letter of Medical Necessity from Jon Bittick, DC, undated - 1 page
- Spinal Curvature Reports from Dr. Jon Bittick, Sterling Imaging, 12/10/01 - 6 pages
- Letter of Medical Necessity from Jon Bittick, DC, undated - 1 page
- Spinal Curvature Reports from Dr. Jon Bittick, Sterling Imaging, 1/7/02 - 6 pages
- Physical Therapy Daily Note, 2/15/02 - 1 page
- Physical Therapy Daily Note, 2/18/02 - 1 page
- Office Notes from Eric H. Scheffey, MD, 2/13/02 - 2 pages
- Physical Therapy Daily Note, 2/20/02 - 2 pages
- Handwritten Notes from Dr. Scheffey, 2/25/02 - 3 pages

- Letter of Medical Necessity from Jon Bittick, DC, undated - 1 page
- Spinal Curvature Reports from Dr. Jon Bittick, Sterling Imaging, 2/15/02 - 7 pages
- Certificate of Medical Necessity and Prescription Including Rationale, 10/23/01 - 1 page
- Office Notes from Eric H. Scheffey, MD, 1/16/02 - 2 pages
- Daily Patient Record from Lindale Healthcare Center, 12/21/01 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 12/26/01 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 12/28/01 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 1/2/02 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 1/4/02 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 1/7/02 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 1/9/02 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 1/11/02 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 1/14/02 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 1/18/02 - 1 page
- Daily Patient Record from Lindale Healthcare Center, 1/16/02 - 1 page
- RKS Medical Diagnostics Intra-Operative Evoked Potential Monitoring, 10/5/01 - 4 pages
- RKS Medical Diagnostics Intra-Operative Evoked Potential Monitoring, 10/5/01 - 4 pages
- Patient Information, 10/5/01 - 1 page
- Screen Print, undated - 1 page
- Patient Information, 10/4/01 - 1 page
- Consent from University Neuro Diagnostics, undated - 1 page
- Certificate of Medical Necessity and Prescription Including Rationale, 10/23/01 - 1 page
- Certificate of Medical Necessity and Prescription Including Rationale, 10/23/01 - 1 page
- Delivery Ticket, 10/16/01 - 1 page
- Notes from Tender Loving Care Health Services of Texas, 10/16/01 - 4 pages
- SNV Summary and Progress Note from Tender Loving Care Health Services of Texas, 10/16/01 - 1 page
- Recovery Record from Downtown Plaza Imaging, 5/29/02 - 1 page
- Anesthesia Record, undated - 1 page
- Physical Therapy Discharge Summary, 5/1/02 - 1 page
- Physical Therapy Daily Note, 4/15/02 - 1 page
- Physical Therapy Daily Note, 4/17/02 - 1 page
- Physical Therapy Daily Note, 4/19/02 - 1 page
- Physical Therapy Daily Note, 4/22/02 - 1 page
- Physical Therapy Daily Note, 4/24/02 - 1 page
- Physical Therapy Daily Note, 4/29/02 - 1 page
- Physical Therapy Daily Note, 5/1/02 - 1 page
- Physical Therapy Daily Note, 4/10/02 - 1 page
- Physical Therapy Daily Note, 4/12/02 - 1 page
- Medical Record Review from Review Med, 4/1/02 - 2 pages
- Physical Therapy Daily Note, 3/27/02 - 1 page
- Physical Therapy Daily Note, 3/25/02 - 2 pages
- Office Notes from Eric H. Scheffey, MD, 3/13/02 - 2 pages

- Physical Therapy Daily Note, 3/11/02 - 1 page
- Physical Therapy Daily Note, 3/13/02 - 1 page
- Physical Therapy Daily Note, 3/15/02 - 1 page
- Physical Therapy Daily Note, 3/18/02 - 1 page
- Physical Therapy Daily Note, 3/20/02 - 1 page
- Physical Therapy Daily Note, 3/1/02 - 1 page
- Physical Therapy Daily Note, 3/7/02 - 1 page
- SNV Summary and Progress Note from Tender Loving Care Health Services of Texas, 10/17/01 - 1 page
- SNV Summary and Progress Note from Tender Loving Care Health Services of Texas, 10/18/01 - 1 page
- SNV Summary and Progress Note from Tender Loving Care Health Services of Texas, 10/19/01 - 1 page
- SNV Summary and Progress Note from Tender Loving Care Health Services of Texas, 10/20/01 - 1 page
- Nurse's Progress Notes from Tender Loving Care Health Services of Texas, 10/18/01 - 1 page
- Nurse's Progress Notes from Tender Loving Care Health Services of Texas, 10/20/01 - 1 page
- Nurse's Progress Notes from Tender Loving Care Health Services of Texas, 10/22/01 - 1 page
- Nurse's Progress Notes from Tender Loving Care Health Services of Texas, 10/23/01 - 1 page
- Patient Information from East Harris County Orthopedic Assoc., 10/3/01 - 1 page
- Nurse's Progress Notes from Tender Loving Care Health Services of Texas, 10/24/01 - 1 page
- Report of Consultation from Vista Medical Center Hospital, 10/5/01 - 1 page
- Acute Pain Management Service Progress Notes, 10/6/01-10/17/01 - 4 pages
- Diagnostic X-Ray and Physiotherapy Prescription, 8/2/01 - 1 page
- Motor Nerve Conduction Velocity Study, 8/2/01 - 3 pages
- Spinal Curvature Reports from Thanh Tran, DC, Sterling Imaging, 8/9/01 - 6 pages
- Spinal Surgery Second Opinion Narrative Received by TWCC, 8/30/01 - 1 page
- Operative Report from Vista Medical Center Hospital, 10/22/02 - 3 pages
- Discharge Summary from Vista Medical Center Hospital, 10/30/02 - 3 pages
- History and Physical Examination from Vista Medical Center Hospital, 10/21/02 - 5 pages
- Office Notes from Eric H. Scheffey, MD, 1/17/01 - 1 page
- Radiology Report from Vista Diagnostic Center, 10/8/01 - 1 page
- Operative Report from Vista Medical Center Hospital, 10/5/01 - 5 pages
- Anesthesia Evaluation from Vista Medical Center Hospital, 10/5/01 - 1 page
- Office Notes from Eric H. Scheffey, MD, 10/3/01 - 2 pages
- RKS Medical Diagnostics Intra-Operative Evoked Potential Monitoring, 10/5/01 - 4 pages
- Operative Report from Vista Medical Center Hospital, 10/4/01 - 5 pages
- Radiology Report from Vista Diagnostic Center, 10/4/01 - 1 page
- Supply Sheet, undated - 1 page
- Preoperative Orders - Spinal Surgery from Eric Scheffey, MD, 10/3/01 - 1 page
- Acute Pain Management Service Progress Notes, 10/9/01-10/17/05 - 3 pages
- Supply Sheet, 10/23/01 - 1 page
- Supply Sheet, 10/22/01 - 1 page

- Office Notes from Eric H. Scheffey, MD, 10/22/01 - 1 page
- Supply Sheet, 10/19/01 - 1 page
- Supply Sheet, 10/17/01 - 1 page
- Office Notes from Eric H. Scheffey, MD, 10/17/01 - 1 page
- RKS Medical Diagnostics Intra-Operative Evoked Potential Monitoring, 10/5/01 - 4 pages
- Operative Report from Vista Medical Center Hospital, 10/5/01 - 5 pages
- Letter from Westside Orthopaedic to REM, 8/13/01 - 2 pages
- Designated Doctor Evaluation from Carlton E. Smith, MD, 4/6/01 - 3 pages
- FCE, 4/27/01 - 8 pages
- Request for Treatment Fax from TLC Health Services, Inc, 10/9/01 - 1 page
- Office Notes from Eric H. Scheffey, MD, 10/3/01 - 1 page
- Operative Report from Vista Medical Center Hospital, 10/5/01 - 5 pages
- Letter from Westside Orthopaedic to REM, 8/13/01 - 2 pages
- Office Notes from Eric H. Scheffey, MD, 8/15/01 - 2 pages
- Office Notes from Eric H. Scheffey, MD, 7/25/01 - 2 pages
- Office Notes from Eric H. Scheffey, MD, 6/27/01 - 2 pages
- Letter from Eric H. Scheffey, MD to RSK, 1/13/01 - 1 page
- Office Notes from Eric H. Scheffey, MD, 6/27/01 - 2 pages
- Texas Workers' Compensation Work Status Report, 6/27/01 - 1 page
- Operative Report from Vista Medical Center Hospital, 8/30/01 - 2 pages
- Discharge Summary from Vista Medical Center Hospital, 8/30/01 - 1 pages
- Superbill/Invoice from Advanced Radiological Associates, Inc, 9/20/02 - 1 page
- Patient Information from East Harris County Orthopedic Association, 9/13/02 - 1 page
- Radiology Report from Doctors Diagnostic Services, 7/22/02 - 1 page
- Spinal Curvature Reports from Doctors Diagnostic Services, 7/22/02 - 1 page
- Work Hardening Weekly Progress Report from El Paso Workers' Injury and Rehab Center, 9/1/00 - 8 pages
- Work Hardening Weekly Progress Report from El Paso Workers' Injury and Rehab Center, 9/8/00 - 1 page
- Letter of Medical Necessity from Workers' Injury Center, undated - 1 page
- Physical Performance Evaluation from Marioni Chiropractic and Rehab, 8/21/00 - 14 pages
- Texas Workers' Compensation Work Status Report Draft, 8/2/00 - 1 page
- Texas Workers' Compensation Work Status Report, 8/8/00 - 1 page
- Office Notes from J. Michael Graham, MD, 8/8/00 - 1 page
- Admitting Record Clinical Summary from Seton, 6/6/00 - 1 page
- Admission/Arrival Information from Seton, 6/6/00 - 3 pages
- Plan of Care Interdisciplinary Summary from Seton, 6/7/00 - 4 pages
- Lab Results, 6/7/00 - 2 pages
- ECG, 6/7/00 - 1 page
- Intraoperative Record from Seton, undated - 2 pages
- Perioperative Record from Seton, 6/7/00 - 4 pages
- Office Notes from J. Michael Graham, MD, 8/8/00 - 1 page
- Admitting Record Clinical Summary from Seton, 6/6/00 - 1 page

- Admission/Arrival Information from Seton, 6/6/00 – 3 pages
- Plan of Care Interdisciplinary Summary from Seton, 6/7/00 – 4 pages
- Lab Results, 6/7/00 – 2 pages
- ECG, 6/7/00 – 1 page
- Intraoperative Record from Seton, undated – 2 pages
- Perioperative Record from Seton, 6/7/00 – 9 pages
- Doctor's Orders from Seton, 6/6/00 – 1 page
- Clinical Record from Seton, 6/7/00–6/10/00 – 2 pages
- Patient Progress Record, 6/7/00 – 2 pages
- Norton Risk Assessment for Skin, 6/7/00–6/8/00 – 1 page
- Acute Care Forms, 6/8/00 – 2 pages
- Daily Treatment Records, 6/8/00 – 1 page
- Functional Mobility Flow Sheet, 6/8/00 – 2 pages
- Initial Evaluation, 6/7/00 – 2 pages
- Diabetes Flow Sheet, 6/7/00–6/8/00 – 1 page
- Medication Administration Record, 6/7/00 – 5 pages
- Important Surgical Information for the Patient from Seton, 6/6/00 – 2 pages
- Consent Forms from Seton, 6/7/00 – 3 pages
- Fax from Cy-Fair Orthopaedic, undated – 1 page
- Office Notes from J. Michael Graham, MD, 5/16/00 – 1 page
- Report of Medical Evaluation, 4/6/01 – 1 page
- Designated Doctor Evaluation from Carlton E. Smith, MD, 4/6/01 – 3 pages
- FCE, 4/27/01 – 8 pages
- Function Capacity Evaluation, 12/20/00 – 6 pages
- Report of Medical Evaluation, 12/7/00 – 1 page
- Function Capacity Evaluation, 12/20/00 – 4 pages
- Office Notes from J. Michael Graham, MD, 9/26/00 – 1 page
- Office Notes from J. Michael Graham, MD, 8/8/00 – 1 page
- Office Notes from J. Michael Graham, MD, 6/22/00 – 1 page
- Office Notes from J. Michael Graham, MD, 5/16/00 – 1 page
- Office Notes from J. Michael Graham, MD, 4/18/00 – 1 page
- Office Notes from J. Michael Graham, MD, 4/4/00 – 1 page
- Office Notes from J. Michael Graham, MD, 3/7/00 – 1 page
- Letter from Cy-Fair Orthopaedic to Concentra Health Services, 1/26/00 – 2 pages
- Office Notes from David R. Mack, MD, 1/7/00 – 1 page
- Letter from Cy-Fair Orthopaedic to Concentra Health Services, 1/7/00 – 1 page
- Office Notes from David R. Mack, MD, 1/7/00 – 1 page
- Lumbar MRI from Fallbrook Open MRI, 1/11/00 – 1 page
- Lumbar MRI from Fallbrook Open MRI, 1/11/00 – 1 page
- Lumbar Discograms with Marcaine Challenge from River Oaks Imaging and Diagnostic, 5/2/00 – 3 pages
- Lumbar Epidural Steroid Injection Under Fluoroscopy from Fallbrook Open MRI, 4/3/00 – 1 page

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- Lumbar Epidural Steroid Injection Under Fluoroscopy from Fallbrook Open MRI, 2/24/00 - 1 page
- Office Notes from J. Michael Graham, MD, 9/26/00 - 1 page
- Daily Progress Notes from Workers' Injury Center, 9/1/00 - 1 page
- Texas Workers' Compensation Work Status Report, 8/31/00 - 1 page
- Physical Performance Evaluation from Marioni Chiropractic and Rehab, 8/21/00 - 13 pages
- History and Physical Report from Seton Medical Center, 6/30/00 - 1 page
- Left Ankle Report from Seton Medical Center, 6/7/00 - 1 page
- Chest, Two Views, from Seton Medical Center, 6/6/00 - 1 page
- Anesthesia Record from Seton, undated - 1 page
- Operative Report from Seton Medical Center, 6/7/00 - 2 pages
- Specific and Subsequent Medical Report, 5/16/00 - 1 page
- Office Notes from J. Michael Graham, MD, 5/16/00 - 1 page
- Lumbar Discograms with Marcaine Challenge from River Oaks Imaging and Diagnostic, 5/2/00 - 3 pages
- Office Notes from J. Michael Graham, MD, 4/18/00 - 1 page
- Disability Certificate from Cy-Fair Orthopaedic, 4/18/00 - 1 page
- Office Notes from J. Michael Graham, MD, 4/18/00 - 1 page
- Disability Certificate from Cy-Fair Orthopaedic, 4/18/00 - 1 page
- Office Notes from J. Michael Graham, MD, 4/4/00 - 1 page
- Disability Certificate from Cy-Fair Orthopaedic, 4/4/00 - 1 page
- Lumbar Epidural Steroid Injection Under Fluoroscopy from Fallbrook Open MRI, 4/3/00 - 1 page
- Walgreens Pharmacy Billing Invoice, 2/1/00 - 3 pages
- Progress Notes, 2/17/00 - 1 page
- Request for Authorization for Epidural Steroid Injections, 2/7/00 - 1 page
- Lumbar Epidural Steroid Injection Under Fluoroscopy from Fallbrook Open MRI, 2/24/00 - 1 page
- Call Notes, 2/29/00 - 1 page
- Progress Notes, undated - 1 page
- Letter from Cy-Fair Orthopaedic to Concentra Health Services, 1/26/00 - 1 page
- Letter from Cy-Fair Orthopaedic to Concentra Health Services, 1/26/00 - 1 page
- Lumbar MRI from Fallbrook Open MRI, 1/11/00 - 1 page
- Lumbar MRI from Fallbrook Open MRI, 1/11/00 - 1 page
- Office Notes from David R. Mack, MD, 1/7/00 - 1 page
- Therapy Charge Ticket, 12/22/99-12/23/99 - 2 pages
- Summary of TPCIGA's Position from Flahive, Ogden and Latson, 3/8/06 - 2 pages
- Medical Dispute Resolution Request/Response, 3/13/06 - 2 pages
- Table of Disputed Services, undated - 1 page
- Medical Dispute Resolution Request/Response, 3/13/06 - 2 pages
- Instructions for Completing the DWC-60, undated - 1 page
- Table of Disputed Services, undated - 1 page
- Letter from Positive Pain Management of Texas to Texas Department of Insurance, 2/15/06 - 10 pages

- Letter from Intracorp to Positive Pain Management, 2/13/06 – 2 pages
- Letter from Intracorp to Positive Pain Management, 1/18/06 – 3 pages
- Appeal Letter from Positive Pain Management of Texas, 1/26/06 – 10 pages
- Appeal Letter from Positive Pain Management of Texas, 12/29/05 – 13 pages
- Discharge Summary and Treatment Recommendations from Positive Pain Management, 12/29/05 – 1 page
- Biofeedback Discharge Summary from Positive Pain Management, 12/29/05 – 2 pages
- Treatment Plan Report, 12/29/05 – 4 pages
- Request for Pain Program, 12/29/05 – 2 pages
- Initial Examination from Correct Care Clinic, 12/29/05 – 3 pages
- Appeal Letter from Positive Pain Management of Texas, 12/2/05 – 1 page
- Psychological Evaluation from Positive Pain Management of Texas, 10/17/05 – 6 pages
- Overview of the Psychophysiological Assessment from Positive Pain Management of Texas, 10/17/05 – 2 pages
- Prescription for Pain Program, 10/7/05 – 1 page
- Fax Cover Sheets, 10/19/05–10/20/05 – 2 pages
- Followup Office Visit from South Texas Spinal Clinic, 10/4/05 – 1 page
- Electrodiagnostic Study from South Texas Spinal Clinic, 8/26/05 – 2 pages
- Initial Office Visit from South Texas Spinal Clinic, 7/21/05 – 3 pages
- Duplicate Records, various dates – 18 pages

**Summary of Treatment/Case History:**

This is a 48-year-old female patient with low back pain and a history of two lumbar surgeries in 10/01 and 10/02. The last was a fusion L4-S1. The patient had multiple radiologic studies showing the fusion was solid. Despite a brace, TENS and medications, ESIs, Hardware blocks, and two rounds of psychotherapy and biofeedback the patient continued to complain of pain, depression, and anxiety. Her last psychotherapy was in 12/05. She was recommended to have a spinal cord stimulator, but that has not been done. She had a functional capacity evaluation in 5/01 which stated she did not perform with maximal effort and was noted to be screaming during testing. She had multiple independent medical examinations which recommended return to work with job retraining although her surgeon and pain physician both stated they feel she cannot return to work. She screamed during that test also. She changed physicians in 7/05 to a Dr. Dennis. He recommended more testing and an inpatient pain program. The new MRI showed scarring. She then had an EMG in which the provider stated he felt the patient had an agenda and he refused to continue the test or treat her. The patient then underwent her second series of individual psychotherapy and biofeedback which ended in 12/05. At that time, a chronic pain program was recommended. She was noted to be sleeping 4 hours per night, decreased function, decreased lumbar ROM, a pain score of 7/10, a BDI score of 29, and anxiety score of 10/10. At this time she was taking hydrocodone, Celebrex, gabapentin, Lexapro, and ambien. The pain program has been denied multiple times.

**Questions for Review:**

Preauthorization requested: 20 day pain management program.

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**Explanation of Findings:**

Preauthorization requested: 20 day pain management program.

The records do not support a chronic pain program. This is based on the fact that the patient's motivation is highly questioned. This is based on her FCE which noted poor effort and an independent physician who performed her EMG recently and noted she "had an agenda". This patient has not benefitted from any care thus far. Typically, a patient such as this would qualify for a pain program. However, her agenda and motivation to succeed are highly suspicious based on two independent reports such that it is questioned whether any treatment would benefit her.

**Conclusion/Decision to Not Certify:**

The pain management program is not medically necessary.

**Applicable Clinical or Scientific Criteria or Guidelines Applied in Arriving at Decision:**

Criteria used are common practice among osteopathic and pain physicians.

**References Used in Support of Decision:**

1. Practical Management of Pain copyright '00 by P. Raj pgs 737-8.
2. ACOEM guidelines copyright 2004.
3. Bonica's management of Pain third edition copyright 2000.

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The physician providing this review is board certified in Anesthesiology and is a doctor of Osteopathy. The reviewer is currently an attending physician at a major medical center providing anesthesia and pain management services. The reviewer has participated in undergraduate and graduate research. The reviewer has been in active practice since 1988.

**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/Appeals Clerk  
P. O. Box 17787  
Austin, TX 78744

A copy of this decision should be attached to the request. The party appealing the decision shall

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deliver a copy of its written request for a hearing to all other parties involved in the dispute. MRIOA is forwarding this decision by mail, and in the case of time sensitive matters by facsimile, a copy of this finding to the DWC.

It is the policy of Medical Review Institute of America to keep the names of its reviewing physicians confidential. Accordingly, the identity of the reviewing physician will only be released as required by state or federal regulations. If release of the review to a third party, including an insured and/or provider, is necessary, all applicable state and federal regulations must be followed.

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The written opinions provided by MRIOA represent the opinions of the physician reviewers and clinical advisors who reviewed the case. These case review opinions are provided in good faith, based on the medical records and information submitted to MRIOA for review, the published scientific medical literature, and other relevant information such as that available through federal agencies, institutes and professional associations. Medical Review Institute of America assumes no liability for the opinions of its contracted physicians and/or clinician advisors. The health plan, organization or other party authorizing this case review agrees to hold MRIOA harmless for any and all claims which may arise as a result of this case review. The health plan, organization or other third party requesting or authorizing this review is responsible for policy interpretation and for the final determination made regarding coverage and/or eligibility for this case.

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Case Analyst: Jamie C ext 583

CC: Requestor and Respondent