

MCMC

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

Date:	05/05/2006
Injured Employee:	
Address:	
MDR #:	M2-06-1118-01
DWC #:	
MCMC Certification #:	IRO 5294

REQUESTED SERVICES:

Please review the item(s) in dispute: Pre-authorization denied for chronic pain management for ten sessions.

DECISION: Upheld

IRO MCMCllc (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 05/05/2006, concerning the medical necessity of the above referenced requested service, hereby finds the following:

The request for ten sessions of chronic pain management is not medically necessary.

CLINICAL HISTORY:

The injured individual is a 33 year old male with date of injury _____ followed by lumbar surgery in 05/2003 and fusion in 08/2004. The injured individual had medications, multiple varied injections, multiple rounds of physical therapy (PT), a failed spinal cord stimulator (SCS), and psychological counseling after these surgeries. He was referred to a chronic pain program as early as 03/2005 and in 06/2005 based on his noted level of severe depression. He had multiple Functional Capacity Exams (FCEs) throughout with the most recent of 12/2005 showing a sedentary duty capability but requirements of heavy work. He was given an impairment rating of 25% in 05/2005 after a CT myelogram of 05/2005 showed his fusion was intact. He had weeks of work hardening in the summer of 2005. He had an Independent Medical Exam (IME) in 12/2005, which recommended medication management. He entered a chronic pain program in 11/2005 and completed ten sessions as of 11/29/2005. The follow up note of 12/20/2005 states

his pain was a 6/10 and had been reduced by 30%. However, his pain program notes of 11/2005 state his pain levels are 5-7/10, which is obviously unchanged after ten sessions of the program. He remained on the same hydrocodone, Ambien, and Elavil. He also required injections in 12/2005 during the pain program and a Report of Medical Evaluation (RME) in 12/2005 suggested hardware removal. The pain program appeal letter requesting more sessions states the injured individual was successfully weaned from OxyContin to hydrocodone during the ten sessions. However, he had been on hydrocodone in the past and the OxyContin was relatively new. There is no indication the injured individual has benefited in any way from the initial ten sessions as his pain scores are the same, his medication of hydrocodone had been his chronic narcotic anyway, and his functionality was still depressed. In addition, he had injections and more surgery recommended after the ten sessions indicating it did not impact on him.

REFERENCE:

Bonica's Management of Pain; Third edition. Copyright 2000.

RATIONALE:

The injured individual is a 33-year-old male who failed to benefit from two lumbar surgeries and multiple interventions. He had ten pain sessions in 11/2005. He went into the program with pain scores 5-7/10. He ended the ten sessions with a pain score of 6/10, which reflects no improvement. He had been taking hydrocodone as his narcotic but began the pain program on OxyContin. After ten sessions, he was back on hydrocodone, which reflects no overall improvement. His depressive levels were high to begin with but were not reassessed. He also required injections in 12/2005 after the ten sessions and had a recommendation for more surgery. Based on all this it appears the injured individual made little to no progress after ten sessions which does not support continuation.

RECORDS REVIEWED:

Notification of IRO Assignment dated 04/10/06

MR-117 dated 04/07/06

DWC-60

DWC-73: Work Status Reports with evaluation dates of 03/23/06, 09/08/05, 11/15/04

DWC-69: Reports of Medical Evaluation signed 05/26/05, 05/11/05, 10/18/04, 11/04/03

EES-14 dated 09/30/03

MCMC: IRO Medical Dispute Resolution Prospective dated 04/19/06

MCMC: IRO Acknowledgment and Invoice Notification Letter dated 04/10/06

Law Office of Jeffrey M. Lust: Letter dated 04/18/06 from James Cassidy

Southwestern Pain Institute: Follow-Up Evaluations dated 03/03/06, 01/10/06, 07/29/05, 01/18/05 from Daniel Shalev, M.D.

Go Rehab: Follow-Up Evaluations dated 02/24/06, 01/13/06, 09/26/05, 08/05/05, 06/02/05 from Byron Strain, M.D.

Central Rehab: SuperBills dated 02/23/06, 01/10/06, 12/20/05

Central Rehab: Examination Reports dated 02/23/06, 01/10/06, 09/15/05, 08/16/05, 06/20/05, 05/09/05 from Kelly Alana, D.C.

Mark Carlson, D.C.: Letter dated 02/06/06
Andrew Brylowski, M.D.: Report dated 01/16/06
Occupational Health Systems: Reports dated 12/21/05, 03/07/05 from James Hood, M.D.
Central Rehab: Physical Therapy/Medicine Sessions Notes dated 12/20/05 from Byron Strain, M.D. and therapists
Occupational Health Systems: report dated 12/19/05 from LeAnne Bradley, P.T.
Valley View Surgery Center: Operative Reports dated 12/12/05, 09/13/05, 03/07/05, 02/14/05, 11/1/03, 10/28/03 from Daniel Shalev, M.D.
Anesthesia Records dated 12/12/05, 09/13/05, 03/07/05, 02/14/05, 08/19/04, 03/26/04, 11/04/03, 10/28/03
Randy Gibson, MS, LPC: Individual Therapy Note dated 11/08/05
Central Rehab: Pain Management Progress Notes dated 11/07/05 through 11/29/05 from Dave Bonfessuto, D.C.
Pain Management Education Session records dated 11/07/05 through 11/29/05
Concentra: Letters dated 11/02/05, 07/14/05 from Louis Sabater, Utilization Review Nurse
Valley View Surgery Center: Listing of expenses for DOS 09/13/05
M.D. Rehab of Texas: Physical Performance Evaluations dated 08/31/05, 06/20/05, 05/14/05, 04/14/05, 02/28/05, 11/18/04, 07/01/04, 02/16/04 from Mark Dodson, PT
Central Rehab: Group Therapy Progress Notes dated 08/29/05, 08/16/05, 08/04/05, 07/27/05 from Randy Gibson, MS
Education Session sheet dated 08/22/05
Central Rehab: Work Hardening Progress Notes dated 07/27/05 through 08/29/05 from Kelly Alana, D.C.
Doctor's notes for the period 07/25/05 through 12/02/05 (weeks ending 0/10 through 8/10, bottom of form shows Tops Form 1260)
Prime Diagnostic Imaging: Follow up Visit notes dated 06/09/05, 06/07/05 from Lewis Frazier, M.D.
Randy Gibson, LPC: Health & Behavior Assessments dated 06/07/05, 03/01/05
Prime Diagnostic Imaging: Post myelogram CT lumbar spine dated 05/31/05, lumbar myelogram technical component dated 05/31/05, lumbar spine radiographs dated 03/28/05, lumbar spine radiographs dated 11/03/04
Audrey Stein Goldings, M.D.: Report dated 05/26/05
Dr. J. S. Harris: Patient History and Physical Examination dated 05/11/05
Dr. J. S. Harris: Report dated 05/11/05
Central Rehab: Post-Surgical Rehabilitation notes dated 04/27/05, 04/11/05 from rendering therapist Patrick Busby
Go Rehab: New Patient Consultation dated 04/21/05 from Byron Strain, M.D.
Patient Follow-Up Report (handwritten) dated 11/17/05
Patient Profile dated 04/14/05
Central Rehab: Post-Surgical Rehabilitation dated 04/08/05 with rendering therapist Octavio Hernandez
Central Rehab: Examination Report dated 03/30/05 from Dr. Scott Houghton
Central Rehab: Post-Surgical Rehabilitation notes dated 03/29/05 through 07/26/05 from rendering therapist Mary Calero

Medistat Group Associates: Medical Consultations dated 02/22/05, 11/09/04, 08/10/04, 05/27/04 from Louise Lamarre, M.D.

Nursing Assessment Pain Intraoperative Record dated 02/14/05

Southwestern Pain Institute: Progress Notes dated 02/03/05, 11/21/03 from Daniel Shalev, M.D.

HealthView: Examination Reports dated 01/11/05, 11/18/04, 10/14/04, 08/10/04 from Dr. Scott Houghton

HealthView: Post-Surgical Rehabilitation notes dated 01/10/05, 01/04/05, 10/14/04 from rendering therapist Mary Calero

Patient Face Sheet dated 12/06/04

Concentra: Letter dated 12/01/04 from Grace Bryant, Utilization Review Nurse

Randy Gibson: Psychological Evaluation dated 11/30/04

United Health Components: Physician Prescription (handwritten) dated 11/29/04

HealthView: Post-Surgical Rehabilitation note from rendering therapist Rachel Morales

HealthView: Active Rehabilitation note dated 10/20/04 from rendering therapist Ken White

HealthView: Active Rehabilitation notes dated 10/19/04, 10/18/04, 10/15/04, 10/11/04, 10/08/04, 10/06/04 from rendering therapist Mary Calero

Trenton Weeks, D.C.: Impairment Rating MMI/IR dated 10/15/04

HealthView: Post Surgical Rehabilitation notes dated 10/14/04 through 01/17/05 from rendering therapist Ken White

Medistat Group Associates: Follow-Up Report dated 10/12/04 from Louise Lamarre, M.D.

HealthView: Passive Rehabilitation notes dated 10/11/04, 10/08/04 from rendering therapist Mary Calero

HealthView: Passive Rehabilitation note dated 10/06/04 with rendering therapist Ken White

M.D. Rehab of Texas: Office note dated 09/30/04 from Mark Dodson, PT

Brookhaven Family Medicine: Workmans Compensation Visit (handwritten) dated 09/20/04

Sharon Vickerman, Office Manager: Letter dated 08/20/04

RHD Memorial Medical Center: OP L-spine AP and lateral dated 08/19/04

RHD Memorial Medical Center: Patient information sheet for 08/19/04 hospitalization

RHD Memorial Medical Center: Operative Report dated 08/19/04 from Mark McQuaid, M.D.

RHD Memorial Medical Center: Operative Report dated 08/19/04 from James Guess, M.D.

RHD Memorial Medical Center: Operative Report dated 08/19/04 from Francisco Batlle, M.D.

RHS Memorial Medical Center: Progress Notes (handwritten) dated 08/19/04 to 08/21/04

RHD Memorial Medical Center: Preoperative History and Physical Examination dated 08/14/04 from Charles Loehr, M.D.

Orthotics, Prosthetics and Durable Medical Equipment note dated 08/11/04

Bioelectronic Stimulators dated 08/10/04 and one undated

DFW Pain Consultants: Letter dated 07/09/04 from Sonia Soulivong, Accounts Receivable
CAN: Statement dated 06/30/04 for \$61.98

DFW Pain Consultants: Progress Notes dated 06/01/04, 04/01/04 from Steven Eaton, M.D.

Dallas Spine Care: Chart Note dated 05/21/04 from Robert Henderson, M.D.

Texas Imaging & Diagnostic Center: X-rays lumbar spine dated 04/06/04, post discogram CT scan of lumbar spine dated 03/26/04

DFW Pain Consultants: Operative Report dated 03/26/04 from Steven Eaton, M.D.

Pre-Anesthetic Evaluation (handwritten) dated 03/26/04

Post Operative Instr (remainder not visible) signed 03/25/04 (appears to be discharge instructions)
DFW Pain Consultants: Patient information sheet dated 03/11/04
Concentra: Letter dated 03/15/04 from Kimberlee Stukenbrock, Utilization Review Nurse
Medistat Group Associates: Initial Report dated 03/04/04 from Louise Lamarre, M.D.
DFW Pain Consultants: Report dated 02/16/04 from Steven Eaton, M.D.
North Dallas Diagnostic Center: Lumbar spine obliques dated 02/12/04
Patient Follow-Up Report (handwritten) dated 01/29/04
Spinal Solutions: Prescription note dated 01/09/04
Adjetej K. Lomo, M.D.: Designated Doctor Evaluation dated 11/04/03
Case Management notes dated 10/20/03 through 01/31/06
Erwin A. Cruz, M.D.: S.O.A.P. notes dated 10/20/03, 10/06/03, 08/28/03, 05/27/03
Southwestern Pain Institute: Letter dated 10/10/03 from Daniel Shalev, M.D.
Advanced Medical Imaging: MRI lumbosacral spine dated 09/19/03, MRI brain dated 05/16/03
Advanced Medical Imaging: Request for Reconsideration dated 09/03/03 from Ms. Renee Cook
Merit Medical: Shipping receipt dated 09/03/03
Henry Schein: Invoice dated 08/19/03
Form W-9: Request for Taxpayer Identification Number and Certification dated 08/01/03
Daily Notes Lumbar (handwritten) dated 07/22/03 through 09/03/03
Healthsouth Evaluation Center: Case Synopsis dated 07/17/03 from William Blair, Jr., M.D.
Healthsouth Medical Center: Statement dated 05/23/03
Pathology Partners: Surgical Pathology Report dated 05/16/03
Healthsouth Medical Center: Operative Report dated 05/15/03 from Francisco Battle, M.D.
Spinal Solutions: Letters dated 04/01/03 through 06/22/05 from Francisco Battle, M.D.
DFW Pain Consultants: Undated letter from Steven Eaton, M.D.
Undated article entitled, "Controlled Cold Therapy Benefits"
Undated listing of CPT Codes
Undated Texas Denial Coversheet
Ballard Medical Products: Undated Universal Block Tray list
Undated PACU Record (handwritten)

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

5th day of MAY 2006.

Signature of IRO Employee: _____

Printed Name of IRO Employee: **Beth Cucchi**_____