



August 28, 2006

Re: MDR #: M2 06 1455 01 Injured Employee: ___
DWC #: ___ DOI: ___
IRO Cert. #: 5340 SS#: ___

TRANSMITTED VIA FAX TO:

TDI, Division of Workers' Compensation

Attention: ___

Medical Dispute Resolution

Fax: (512) 804-4868

RESPONDENT: TASB Risk Management Fund

TREATING DOCTOR: Patrick R. E. Davis, DC

In accordance with the requirement for DWC to randomly assign cases to IROs, DWC assigned this case to ZRC Medical Resolutions for an independent review. ZRC has performed an independent review of the medical records to determine medical necessity. In performing this review, ZRC reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

I am the president of ZRC Medical Resolutions, Inc. and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him 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 Independent Review Organization. Information and medical records pertinent to this medical dispute were requested from the Requestor and every named provider of care, as well as from the Respondent. The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a doctor of chiropractic who is currently listed on the DWC Approved Doctor List.

We are simultaneously forwarding copies of this report to the payor and the TDI, Division of Workers' Compensation. This decision by ZRC Medical Resolutions, Inc. is deemed to be a DWC decision and order.

P.O. Box 855
Sulphur Springs, TX 75483
903.488.2329 * 903.642.0064 (fax)

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.

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 August 28, 2006.

Sincerely,



Jeff Cunningham, DC
President



**REVIEWER'S REPORT
M2 06 1455 01**

Information Provided for Review:

1. DWC Assignment
2. Carrier records to include narratives and notes
3. Requestor records to include narratives, notes, letters of appeal.

Clinical History:

The claimant underwent physical medicine treatments after sustaining injury at work on ___ when she lifted cases of food.

Disputed Services:

Preauthorization for 15 sessions of PT to include 97110 Therapeutic Exercises; 97530 Therapeutic Activities; 97112 Neuromuscular Re-education; 97140 Manual Therapy Technique; and 97035 Ultrasound.

Decision:

97112 Neuromuscular reeducation is denied. All other requested services are approved.

Rationale:

Expectation of improvement in a patient's condition should be established based on success of treatment. Continued treatment is expected to improve the patient's condition and initiate restoration of function. If treatment does not produce the expected positive results, it is not reasonable to continue that course of treatment. With documentation of improvement in the patient's condition and restoration of function, continued treatment may be reasonable and necessary to effect additional gains.

In this case, there is adequate documentation of objective and functional improvement in this patient's condition and the potential for additional gains. Specifically, the patient's lumbar ranges of motion increased and there was an improvement in the orthopedic testing of this claimant. The medical records fully substantiate that the additional requested services fulfill statutory requirements¹ for medical necessity on the basis that the patient would likely obtain additional relief, further promotion of recovery would be

¹ Texas Labor Code 408.021

accomplished and there would be an enhancement of the employee's ability to retain employment. Therefore, preauthorization for 15 sessions of PT to include 97110 Therapeutic Exercises; 97530 Therapeutic Activities; 97140 Manual Therapy Technique; and 97035 Ultrasound is approved.

In regard to the neuromuscular reeducation services (97112), there was nothing in either the diagnosis or the physical examination findings on this patient that demonstrated the type of neuropathology that would necessitate the application of this service. According to a Medicare Medical Policy Bulletin ², "This therapeutic procedure is provided to improve balance, coordination, kinesthetic sense, posture, motor skill, and proprioception. Neuromuscular reeducation may be reasonable and necessary for impairments which affect the body's neuromuscular system (e.g., poor static or dynamic sitting/standing balance, loss of gross and fine motor coordination, hypo/hypertonicity). The documentation in the medical records must clearly identify the need for these treatments." In this case, the documentation failed to fulfill these requirements, rendering the performance of this service medically unnecessary.

Screening Criteria/Literature:

Texas Labor Code, HGSA Medicare Medical Policy Bulletin

² HGSA Medicare Medical Policy Bulletin, Physical Therapy Rehabilitation Services, original policy effective date 04/01/1993 (Y-1B)