

MCMC

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

Date:	08/01/2006
Injured Employee:	
Address:	
MDR #:	M2-06-1601-01
DWC #:	
MCMC Certification #:	IRO 5294

REQUESTED SERVICES:

Please review the item(s) in dispute: Pre-authorization denied for (97799-CP) Chronic Pain Management program for ten (10) days.

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 08/01/2006, concerning the medical necessity of the above referenced requested service, hereby finds the following:

Ten additional sessions of a pain management program are not medically necessary.

CLINICAL HISTORY:

The injured individual is a forty-four year old female who sustained a work-related injury on _____. She was working as a stocker and was unloading boxes when she experienced a “popping” sensation in her back. She was treated with injections, medications, and psychotherapy. She attended a chronic pain management program in 07/2004.

In 12/2004 she was under video surveillance. She was seen being able walk, bend, enter, exit and operate a motor vehicle. She appeared to ambulate in a normal manner. She had attempted to attend a work hardening program earlier in 2006, but had to stop because she lost consciousness due to pain. She started attending her current chronic pain management program on 02/08/2006 and has completed 20 sessions.

The injured individual made some progress during her current pain management program. Her rating of pain went from “7/10” to “6/10”, her irritability from “9/10” to “6/10”, depression from “8/10” to “7/10” and sleep disturbance “8/10” to “6/10”. The injured individual’s rating of anxiety increased from “8/10” to “9/10”. Overall, her pain rating has only been reduced from “7/10” to “6/10” after twenty sessions of a pain management program.

The injured individual reported that since attending the program she was able to complete some light chores. She has resumed going fishing, attends a social activity weekly.

The injured individual’s previous job required a PDL of medium level. Her current PDL is light level. She has a possible job offer to do marketing and scheduling for a moving company. This job would appear to be at a light PDL. An additional ten chronic pain management sessions were requested because she had not reached her targeted goal of 75% reduction in any active symptoms.

REFERENCE:

Okifuji AA, Turk DC, Kalauokalani D. Clinical outcomes and economic evaluation of the Multidisciplinary Pain Centers. In Block A, Kremer EE, Fernandez E, eds. *Handbook of Pain Syndromes*. Mahwah, NJ: Lawrence Erlbaum Publishers, 1999:77-97.

RATIONALE:

The injured individual injured her back in a work-related injury on _____. She has been treated with medications, injections, and psychotherapy. She was unable to complete a work hardening program due to increased pain. She attended a chronic pain management program in 2004. She has attended another twenty sessions of a chronic pain management program starting in 02/2006. She reported reducing her pain from “7/10” to “6/10” after completing twenty sessions (160 hours) of the second pain management program. She has thus shown only a limited response to 160 hours of treatment. Her current Physical Demand Level (PDL) is light duty and she has a possible job offer doing marketing and scheduling for a moving company which would be at a light PDL. Since the injured individual is already at the appropriate PDL for the job that she intends to pursue, and due to a lack of a significant reduction in her pain level, ten additional sessions of a pain management program are not medically necessary.

RECORDS REVIEWED:

Notification of IRO Assignment dated 06/28/06

MR-117 dated 06/28/06

DWC-60

DWC-1: Undated First Report of Injury or Illness

DWC-73: Work Status Reports with evaluation by treating doctor’s dates of 11/05/04, 11/29/04, 12/15/04, 01/14/05, one dated 04/05/05, and two with return to work dates of 02/03/04, 12/20/04

MR-100 dated 06/14/06

MCMC: IRO Medical Dispute Resolution Prospective dated 07/25/06

MCMC: IRO Acknowledgment and Invoice Notification Letter dated 06/28/06

U.S. Post Office: Delivery Confirmation Receipts dated 07/11/06, 06/06/06
Arkansas Claims Management: Letter dated 07/10/06 from Stacie Rhinehart, IRO Coordinator
Claims Management: Independent Review Organization Summary dated 07/10/06
Texas Health: Requester's Position Regarding Pre-Authorization dated 07/10/06 from Phil Bohart, MS
Hoffman Kelley, L.L.P.: Letter dated 06/23/06 from Dan Kelley
Bradley J. Eames, D.O.: Follow Up Visit notes dated 06/20/06, 04/25/06, 04/18/06
UniMed Direct: Letters dated 05/25/06, 05/15/06
Texas Health: Reconsideration of Request for 10-Day Chronic Pain Management Program dated 05/17/06 from Phil Bohart, MS
Texas Health: Psychotherapeutic Group Notes dated 05/11/06, 05/04/06, 04/27/06, 02/10/06, 02/09/06, 02/08/06
Texas Health: Chronic Pain Management Biofeedback Session note dated 05/11/06 from Claudia Ramirez, MA
Texas Health: Request for 10 Final Days Chronic Pain Management Program dated 05/10/06 from Phil Bohart, MS, with attached Interdisciplinary Pain Treatment Components, Chronic Pain Management Program Design, CPMP Day Treatment Design
Educational Group Notes dated 05/09/06, 05/02/06 from Nicole Mangum, Ph.D.
Texas Health: Pain Management Group Notes dated 05/09/06, 05/02/06
Sherri Lackman, MA: Hypnotherapy Group Notes dated 05/09/06, 05/02/06
Goals Group Note dated 05/08/06 from Nicole Mangum, Ph.D.
Texas Health: Physical Therapy Evaluation and Treatment Plan dated 05/05/06 from Mark Dodson, PT
Chronic Pain Management Program: Massage Therapy Notes dated 05/05/06, 04/10/06, 02/10/06
United Therapy Center: Functional Abilities Evaluation dated 05/05/06 from Mark Dodson, PT
Texas Health: Therapeutic Group Note dated 05/04/06 from Patient Coordinator
Texas Health: Relaxation Session note dated 05/02/06 from Lieu Vuong, Ph.D.
Group Therapy Note dated 04/25/06 from Nicole Mangum, Ph.D.
Texas Health: Individual Psychotherapy Session notes dated 04/25/06, 02/09/06
Texas Health: Vocational Plan dated 04/12/06 from Amie Spriensma
Texas Health: Working Lunch Group Note dated 04/10/06 from Tracey Duran, MS
Texas Health: Chronic Pain Daily Progress Notes dated 02/08/06 through 05/11/06 from Mark Dodson, PT
Texas Health: Group Notes dated 02/10/06 through 05/10/06
Bradley J. Eames, D.O.: History and Physical dated 01/24/06
Texas Health: Chronic Pain Management Interdisciplinary Plan & Goals of Treatment dated 01/24/06
Bradley J. Eames, D.O.: Follow Up Consultation notes dated 01/06/06, 11/29/05
Texas Health: Patient Face Sheet dated 11/23/05
Texas Health: Initial Behavioral Medicine Consultation dated 11/18/05 from Lieu Vuong, Ph.D. with an Addendum
Bradley J. Eames, D.O.: Initial Consultation dated 10/28/05
Texas Health: Referral form dated 10/26/05
Miguel B. Banta, Jr., M.D.: Patient revisit notes dated 10/11/05, 09/15/05
Diversity Counseling Services: Report dated 09/15/05 from Sandra Cantu, BSCJ

Miguel B. Banta, Jr., M.D.: New Patient evaluation dated 08/30/05
Texas Diagnostic Co.: Function Test dated 08/17/05
Claims Management, Inc.: Notice of Disputed Issue and Refusal to Pay Benefits dated 08/16/05
First Choice Chiropractic Center: Initial Medical Report dated 08/08/05 from Dr. Bobbie Polasek, D.C.
Sherine Reno, M.D.: Office notes dated 06/08/05, 01/21/05, 12/10/04, 11/08/04, 11/01/04
Semyon Narosov, MSPT: Return to Work Assessment dated 05/25/05
Semyon Narosov, MSPT: Follow-up Examination dated 05/18/05
Texas Health: Preauthorization Requests dated 05/17/06, 05/10/06
Semyon Narosov, MSPT: Range of Motion Exams, Muscle Testing Exams, Manual Muscle Testings dated 05/11/05, 04/27/05, 04/13/05, 03/30/05, 03/16/05
La Plaza Rehab: Staffing Reports dated 05/06/05, 04/29/05, 04/22/05
La Plaza Rehab: Daily Work Hardening Notes dated 04/18/05 through 05/04/05
Recovery and Rehab: Functional Capacity Evaluation Summary dated 03/26/05 from Semyon Narosov, MS, PT
Sam's Wholesale Club Job Descriptions dated 03/24/05
Wal-Mart and Sam's Club Return to Work Activity Prescription Temporary Alternate Duty Available dated 03/24/05
Wal-Mart Job Descriptions dated 03/24/05
Semyon Narosov, MSPT: Initial Examination dated 03/09/05
Sherine Boyd Reno, MD: Electrodiagnostic Results dated 02/23/05
Glen Lakes Orthopedic Clinic: Consultation Reports dated 02/22/05, 07/01/05 from Benzel MacMaster, MD
Texas Health: Individual Psychotherapy Notes dated 01/06/05 through 05/10/06
Veracity Research Co.: Report dated 12/20/04 from Jeffrey Delaney, Regional Director
Accident Relief Chiropractic: Progress Notes dated 11/18/04 to 12/02/04, 12/03/04 to 12/15/04, 12/16/04 to 12/30/04, 01/04/05 to 01/11/05 from Dr. W. H. Ledbetter, III
Texas Family Healthcare: Return to School/Work note dated 11/18/04 from Kristi Morris, PA
Accident Relief Chiropractic: Office notes (handwritten) with Exercise Routine dates of 11/18/04 to 12/01/04, 12/03/04 to 12/13/04, 12/29/04, 01/04/05 to 01/11/05
Prime Diagnostic Imaging: MRI lumbar spine dated 11/12/04
Accident Relief Chiropractic: Medical Conference dated 10/29/04
Garrett Consulting: Lateral lumbar and thoracic spine radiographs dated 10/22/04
Accident Relief Chiropractic: Handwritten office note dated 10/22/04
Dallas Assessment Center: Physical Performance Evaluation dated 11/03/04
Article entitled, "IRO/SOAH Opinions on Work Hardening & CPMP" dated June 2005-May 2006
Article entitled, "Multidisciplinary bio-psycho-social rehabilitation for chronic low back pain"
Undated article entitled, "Clinical Practice Guidelines for Chronic Non-Malignant Pain Syndrome Patients II"
Undated article entitled, "National Guideline Clearing House: Behavioral Counseling in Primary Care to Promote Physical Activity: Recommendations and Rationale (2002)"

The reviewing provider is a **Licensed/Boarded Clinical Psychologist** and certifies that no known conflict of interest exists between the reviewing Clinical Psychologist 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

1st ___ day of August 2006.

Signature of IRO Employee: _____

Printed Name of IRO Employee: Beth Cucchi