MCMC

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

Date:	**07/27/2006**
Injured Employee:	
Address:	
MDR #:	**M2-06-1602-01**
DWC #:	
MCMC Certification #:	**IRO 5294**

REQUESTED SERVICES:
Please review the item(s) in dispute: Pre-authorization denied for right acromioclavicular (AC) joint scope/meniscectomy.

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 07/27/2006, concerning the medical necessity of the above referenced requested service, hereby finds the following:

The requested arthroscopic surgery and meniscectomy of the AC joint is not medically necessary.

CLINICAL HISTORY:
This 29-year-old male was allegedly injured on _____. He had a prior history of an injury to his right shoulder while working in his yard. At that time he was said to have some tendinosis and tear in the right shoulder.

Dr. Burroughs evaluated him on 12/31/2005 for complaints of shoulder pain that allegedly began after lifting some objects at work. He claimed that the pain was intermittent but severe and it was throbbing, aching and stabbing in nature. His discomfort increased with any movement of his arm. Injured individual smokes half a packet a day.

He had a normal range of motion (ROM) and strength of the shoulder but complained of pain with extension of the shoulder and external rotation of the shoulder. He was given a Medrol Dosepak. The x-rays of the shoulder were normal.

REFERENCE:
The Shoulder. Orthopedic Knowledge Update Published by AAOS 2002.

RATIONALE:
The complaints and physical findings as described in the office notes of 01/10/2006 was essentially a verbatim copy of the note of 12/31/2005. The only difference was that the injured individual claimed that even rest and the Medrol Dosepak failed to alleviate the symptoms. Despite the absence of any objective clinical findings of organic disease of the shoulder the injured individual was sent for an MRI study of the shoulder.

The MRI of 01/16/2006 was essentially normal. On 01/24/2006 he was referred to physical therapy (PT), placed on work restrictions, and referred to orthopedics. Dr. Saunders evaluated him on 01/27/2006 and stated that the injured individual had a full range of motion (ROM) and his strength had improved. Based on this he was still placed on restrictions regarding overhead works and also on lifting objects about the shoulder level. He was on 40 pound weight restrictions and not allowed to climb ladders or work at a height.

On 02/10/2006 Dr. Burroughs noted that he was still complaining of the same pain but had no objective clinical findings of any organic disease of the shoulder.

Dr. Dillin evaluated him on 02/15/2006 and noted that he had had a full ROM, no instability or weakness. The only findings were tenderness over the AC joint and a positive impingement sign. Dr. Dillin stated that only an MRI study with contrast or an arthrogram could diagnose labral tears. He was placed on severe work restrictions and given a home exercise program.

On 03/22/2006 because of persistent complaints the attending physician (AP) believed that he could have a tear of the “AC joint meniscus”. Arthroscopic surgery was recommended with a 60 to 70% success. The injured individual continued to follow up with Dr. Burroughs.

The injured individual’s complaints, clinical and imaging findings do not identify any organic disease of the right shoulder of sufficient magnitude to warrant any intervention. The diagnosis by Dr. Dillin of the tear of the meniscus of the AC joint is an unusual one. However the injured individual does not have any objective findings to warrant the proposed surgical procedure. In fact the injured individual’s complaints are out of proportion to the clinical findings.

RECORDS REVIEWED:
- Notification of IRO Assignments dated 06/29/06, 06/28/06
- MR-117 dated 06/29/06, 06/28/06
- DWC-60

- DWC-1: Employer's First Report of Injury or Illness dated 12/31/05 and one undated
- DWC-73: Work Status Reports dated 11/10/04 through 06/14/06 and six showing return to work dates of 10/22/04, 10/29/04, 02/03/04, 12/01/04, 12/07/04, 12/20/04
- MCMC: IRO Acknowledgment and Invoice Notification Letter dated 06/29/06
- MCMC: IRO Acknowledgment and Invoice Notification Letter dated 06/28/06
- MCMC: Statement dated 06/30/06
- MCMC: Check issued 07/05/06
- Claims Management, Inc.: Independent Review Organization Summary dated 07/10/06
- Arkansas Claims Management, Inc: Letters dated 07/10/06, 07/07/06 from Stacie Rhinehart, IRO Coordinator
- IRO/SOAH Opinions on Work Hardening & Comp dated 06/05 to 06/06 (six pages)
- Bradley J. Eames, D.O.: Follow-up Visit notes dated 06/20/06, 04/25/06, 04/18/06
- Karen Burroughs, M.D.: Office notes dated 06/14/06, 04/14/06, 02/10/06, 01/24/06, 01/10/06, 2/31/05
- UniMed Direct: Adverse Determination letters dated 05/25/06, 05/15/06, 04/05/06, 03/28/06
- Texas Health: Psychotherapeutic Group Notes dated 05/11/06, 04/27/06 from Tracey Duran, MS, LPC
- Texas Health: Chronic Pain Management Biofeedback Session note dated 05/11/06 from Claudia Ramirez, MA, LPC
- Texas Health: Chronic Pain Management Individual Psychotherapy Session notes dated 05/10/06, 04/25/06, 04/14/06, 02/10/06
- Chronic Pain Management Hypnotherapy Group Notes dated 05/09/06, 05/02/06 from Sherri Lackman, MA, LPC
- Texas Health: Pain Management Group Notes dated 05/09/06
- Nicole Mangum, Ph.D.: Education Group Notes dated 05/09/06, 05/02/06
- Goals Group Note dated 05/08/06 from Nicole Mangum, Ph.D
- Chronic Pain Management Program Massage Therapy Note dated 05/05/06
- Texas Health: Chronic Pain Management Therapeutic Group Note dated 05/04/06
- Texas Health: Psychotherapy Group Notes dated 05/04/06, 02/10/06, 02/09/06, 02/08/06
- Texas Health: Chronic Pain Management Relaxation Session dated 05/02/06
- Group Therapy Note dated 04/25/06 from Nicole Mangum, Ph.D.
- Texas Health: Vocational Plan note dated 04/12/06 from Amie Spriensma, MA Practicum
- Tracey Duran, Clinical Supervisor: Working Lunch Group Note dated 04/10/06
- Chronic Pain Management Program Massage Therapy Notes dated 04/10/06, 02/16/06
- Texas Health Group Notes dated 02/10/06 through 05/10/06
- Texas Health: Chronic Pain Management Individual Psychotherapy Session note (handwritten) dated 02/09/06
- Texas Health: Chronic Pain Daily Progress Notes dated 02/08/06 through 05/11/06
- Frank Saunders, M.D.: Chart note dated 01/27/06
- Bradley J. Eames, D.O.: History and Physical dated 01/24/06
- Stephenville Medical and Surgical Clinic: MRI right shoulder dated 01/16/06, right shoulder radiographs dated 01/02/06
- Bradley J. Eames, D.O.: Follow Up Consultation notes dated 01/06/06, 11/29/05

- Texas Health: Individual Psychotherapy Notes dated 12/07/05, 12/14/05, 01/10/05, 01/06/05 from Erica Penick, MA
- Texas Health: Initial Behavioral Medicine Consultation dated 11/18/05 from Lieu Vuong, Ph.D with attached Addendum
- Bradley J. Eames, D.O.: Initial Consultation dated 10/28/05
- Miguel Banta, Jr., M.D.: Patient Revisit notes dated 10/1/05, 09/15/05
- Diversity Counseling Services: Report dated 09/15/05 from Sandra Cantu, BSC
- Miguel Banta, Jr., M.D.: New Patient Evaluation dated 08/30/05
- Texas Diagnostic Co.: Function Test report dated 08/17/05
- Claims Management, Inc.: Notice of Disputed Issue and Refusal to Pay Benefits dated 08/16/05
- Natural Corrections, P.A.: Office visit notes dated 06/08/05, 01/21/05, 12/10/04, 11/08/04
- Semyon Narosov, MSPT: Return to Work Assessment dated 05/25/05
- Semyon Narosov, MSPT: Follow-up Examination dated 05/18/05
- 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
- Wal-Mart and Sam's Club: Return to Work Activity Prescription dated 03/24/05
- Sam's Wholesale Club Job Description and Wal-Mart Job Descriptions dated 03/24/05
- Semyon Narosov, MS, PT: Reports dated 03/16/05, 03/30/05, 04/13/05, 0/27/05, 05/11/05
- Semyon Narosov, MS, PT: Initial Examination dated 03/09/05
- Sherine Boyd Reno, M.D.: Electrodiagnostic Results dated 02/23/05
- Glen Lakes Orthopedic Clinic: Consultation Reports dated 02/22/05, 07/01/05 from Benzel MacMaster, M.D.
- Accident Relief Chiropractic: Medical Conference note dated 10/29/04
- Veracity Research Co.: Report covering the period of 12/17/04 through 12/23/04from Jeffrey Delaney, Regional Director
- Texas Family Healthcare: Return to School/Work dated 11/18/04 from Kristi Morris, PA-C
- Exercise routine notes (handwritten) dated 11/18/04 through 01/11/05
- Accident Relief Chiropractic: Progress Notes for dates of service 01/04/05 to 01/11/05, 2/16/04 to 12/30/04, 12/03/04 to 12/15/04, 11/18/04 to 12/02/04 from Dr. W. H. Ledbetter, III, B.S., D.C.
- Prime Diagnostic Imaging: MRI lumbar spine dated 11/12/04
- Garrett Consulting: Lumbar and thoracic spine radiographs dated 11/12/04
- Dallas Assessment Center: Physical Performance Evaluation dated 11/03/04
- Sherine Reno, M.D.: History and Physical dated 11/01/04
- Article entitled, "Clinical Practice Guidelines for Chronic Non-Malignant Pain Syndrome Patients II"
- Article entitled, "Chronic Pain/Functional Restoration Programs
- Accident Relief Chiropractic: Undated letter from W. H. Ledbetter, III, B.S., D.C.
- Undated typed office visit notes from "LD" (RE: 32338 at top – two pages)
- Undated doctor's note, handwritten, with Patient Name at top of form

The reviewing provider is a Licensed/Boarded Orthopedic Surgeon and certifies that no known conflict of interest exists between the reviewing Orthopedic Surgeon 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

27th day of July 2006.

Signature of IRO Employee: _____

Printed Name of IRO Employee: Beth Cucchi