

MCMC

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

Date:	08/16/2006
Injured Employee:	
Address:	
MDR #:	M2-06-1675-01
DWC #:	
MCMC Certification #:	IRO 5294

REQUESTED SERVICES:

DECISION: Upheld

IRO MCMC llc (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 08/16/2006, concerning the medical necessity of the above referenced requested service, hereby finds the following:

Upon review of the submitted documentation, the medical necessity for the requested treatment captioned above, 10 sessions of spinal decompression, is not established.

CLINICAL HISTORY:

Records indicate that the above captioned individual, a 33-year-old female, was allegedly injured as a result of an occupational incident, which reportedly occurred on_____. The history reveals that she was assisting a co-worker when a youth pushed her to the floor resulting in neck and low back pain. She also related being kicked in the right abdomen by the same youth. She was initially treated the same day in a hospital emergency facility where she was examined, treated and released with pain medication. She then presented to the office of the AP on 7/13/05 complaining of mild to moderate neck pain, shoulder pain, upper back and low back pain. Orthopedic testing revealed a number of positive tests. Pain levels were 8/10. She was taken off work and initiated on a treatment plan of three chiropractic visits per week consisting of manipulation, massage ultrasound and interferential treatment. Electrodiagnostic testing dated 10/28/05 revealed no evidence of cervical or lumbar radiculopathy but moderate bilateral median sensory neuropathy and right tibial neuropathy. MRI examination dated 1/13/06 of the lumbar spine was unremarkable. Cervical MRI examination revealed disc lesions at C4-6. The injured individual underwent an RME dated 12/5/05 and an impairment rating dated 5/18/06, neither of which opined that further medical intervention was necessary. On at least two occasions, Waddell's testing has been deemed "clinically significant" with numerous positive signs.

RATIONALE:

From an empirical standpoint, the spinal decompression treatment, commonly known as Vax-D, shows promising results. However, there remains today insufficient peer reviewed, blinded type studies to prove the efficacy and safety of this procedure. There are a number of promising case studies, however the bulk of these studies are flawed in that they either; involve a small sampling, have poor follow-up studies, are associated with non-consideration of safety issues, or are proprietary in nature. More studies need to be done to determine the safety and efficacy of this promising treatment. However to date, there are an inadequate number of significant, peer-reviewed, non-proprietary, blinded type studies to warrant common use in the typical clinical setting.

Furthermore, in this particular case, the injured individual underwent an independent medical examination on 12/5/05 and impairment rating on 5/18/06. Neither of these examinations resulted in the opinions that the injured individual should participate in ongoing medical intervention. In fact, the results of these examinations included opinions of symptom magnification. These opinions were substantiated by FCE testing which revealed positive Waddell's Signs on at least two occasions.

Additionally, the injured individual has no positive advanced testing that would make her an obvious candidate for the proposed treatment. There are no neurodiagnostic signs of radiculopathies and lumbar MRI examination was unremarkable. While spinal decompression is utilized for uncomplicated biomechanical back pain at times in the clinical setting, it's typical use involves a diagnosis of positive MRI or discal findings and/or signs of neuro-compressive disorders.

Lastly, given the uncomplicated nature of the injured individual's clinical picture, the reasonably expected natural history for this case has long since passed. The injured individual is now more than a year post injury and coupled with the uncomplicated nature of her injuries, there would be no reasonable expectations for a positive outcome at this juncture.

RECORDS REVIEWED:

- Notification of IRO Assignment dated 07/11/06
- MR-117 dated 07/11/06
- DWC-60
- DWC-69: Report of Medical Evaluation dated 05/22/06
- MCMC: IRO Acknowledgment and Invoice Notification Letter dated 07/11/06
- MCMC: IRO Medical Dispute Resolution Prospective dated 04/20/06
- State Office of Risk Management: Letter dated 07/19/06 from Jennifer Dawson, Senior Medical Dispute & Audit Specialist
- Accident & Injury Center: Letter to Independent Review Organization dated 07/17/06 from Steven Enabnit, D.C.
- Talina Tovar: Memos dated 06/08/06, 06/07/06
- Forte: Letters addressed "To the Patient" dated 06/08/06, 06/01/06
- Forte: Notices of Utilization Review Findings dated 06/08/06, 06/01/06

- Forte: Acknowledgment of Reconsideration Request dated 06/07/06
- Forte: Letter of Agreements signed 06/05/06, 05/25/06
- Accident & Injury Center: Pre-Authorization Requests dated 06/02/06, 05/24/06
- Accident & Injury Center: Appeal letter dated 06/01/06 from Steven Enabnit, D.C.
- Forte: Notice of Intent to Issue an Adverse Determination dated 05/31/06
- M. Hough, LVN: Review determination notice with case closed date of 05/31/06
- Seamus Carmody, M.D.: Pre-Authorization Peer Review Form dated 05/31/06
- Accident & Injury Center: Therapy Prescription dated 05/24/06
- Leslie M. Bishop, M.D.: Report dated 05/18/06
- Steven Enabnit, D.C.: Report of Medical Evaluation dated 05/01/06
- Accident & Injury Center: Functional Capacity Evaluations dated 04/19/06, 11/22/05, 09/02/05 from Steven Enabnit, D.C.
- Spine Associates of Houston: Report dated 02/14/06 from Richard Francis, M.D. with attached handwritten notes
- Radiology Associates: MRI cervical spine, MRI lumbar spine dated 01/13/06
- Accident & Injury Center: Fax Transmittal Sheet dated 01/10/06 with comments
- Accident & Injury Center: Peer Review Case Management note dated 12/29/05 from Steven Enabnit, D.C.
- Non-authorization notice dated 12/22/05
- Douglas M. Stauch, M.D.: Report dated 12/12/05
- Hillcrest Chiropractic Center: Prospective Review of Medical Examination Report dated 12/09/05 from Shawn Fyke, D.C.
- Accident & Injury Center: Electrodiagnostic test results dated 10/28/05
- Starwood Mobile Diagnostics: Nerve conduction velocity and evoked potential testing, Meyer Proler, M.D. dated 10/28/05
- Accident & Injury Center: Aquatics notes dated 09/12/05, 09/09/05, 08/31/05, 08/10/05 from Steven Enabnit, D.C.
- Accident & Injury Center: Rehabilitative Exerc notes dated 08/11/05 through 11/09/05 from Steven Enabnit, D.C.
- Accident & Injury Center: Intermediate Exam note dated 07/28/05 from Steven Enabnit, D.C.
- WC notes ((typed down center of page) dated 07/18/05 through 01/05/06
- Accident & Injury Center: Daily S.O.A.P. Notes dated 07/14/05 through 05/26/05 from Steven Enabnit, D.C.
- Joseph Valdez, M.D.: Office notes dated 07/28/05 through 06/01/06
- Accident Injury Center: Testing Summary Report dated 07/14/05
- Accident & Injury Center: Daily notes dated 07/14/05 through 07/13/06 from Steven Enabnit, D.C.
- Accident & Injury Center: Initial Examination dated 07/13/05 from Steven Enabnit, D.C.
- Christus St. Elizabeth Hospital: Emergency Physician Record dated 07/12/05
- Christus St. Elizabeth Hospital Record: Discharge Instructions dated 07/12/05
- Christus Hospital: Assessment Sheet dated 07/12/05
- Christus Hospital: Emergency room report (handwritten) dated 07/12/05

- Christus Hospital: Patient information sheet dated 07/12/05
- Christus Hospital St. Elizabeth: Emergency Department record dated 07/12/05 (pages 1 through 3)
- Christus Hospital St. Elizabeth: Emergency Minor Care record dated 07/12/05
- Spine Associates of Houston: Undated questionnaire from claimant
- Undated Health Care Provider Detail for Steven Enabnit, D.C.

The reviewing provider is a Licensed Chiropractor and certifies that no known conflict of interest exists between the reviewing Chiropractor 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

13th day of July 2006.

Signature of IRO Employee: _____

Printed Name of IRO Employee: Beth Cucchi

**CC: SORM, Jennifer Dawson
Steven J. Enabnit, DC**