

MCMC

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

Date:	06/28/2006
Injured Employee:	
Address:	
MDR #:	M2-06-1356-01
DWC #:	
MCMC Certification #:	IRO 5294

REQUESTED SERVICES:

Preauthorization is denied: Right shoulder arthroscopy/surgery.

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 06/28/2006, concerning the medical necessity of the above referenced requested service, hereby finds the following:

The requested right shoulder arthroscopy is not medically necessary.

CLINICAL HISTORY:

This 44-year-old female was allegedly injured on _____. She is noted to be 5'8" tall weighing 250 pounds. She worked as a cashier at _____ and allegedly felt a pop in her right shoulder when reaching to pick up items purchased by a customer.

Dr. Welter saw her in the emergency room (ER) on _____. She claimed to have been injured when she lifted a Christmas tree. This is different from her subsequent history to other doctors. Dr. Welter noted that the injured individual never got off the phone while he was talking with the injured individual. As he walked into the room she moved her right arm freely in all directions without any hesitation or appearance of discomfort. However, she complained, "it hurts to move it a bit". She claimed to have pain when the arm was passively abducted to 45 degrees. However she could in fact move her arm freely.

REFERENCE:

Shoulder. Orthopedic Knowledge Update. AAOS 2002

RATIONALE:

The note from Occupational Medicine dated _____ notes that the injured individual reported the date of injury to be _____ when she allegedly stepped backward on a mat and fell. She apparently struck her mid-back region on a shopping cart and then fell on the floor on her buttocks. On examination she had no objective clinical findings of any organic disease related to her spine. She was given a 0% rating and made maximum medical improvement (MMI). The MRI of the lumbar spine on 12/19/2003 revealed a broad-based disc protrusion with mild effacement of the thecal sac and mild narrowing of the lateral recess. There was thickening of the ligamentum flavum and the facet joints.

The MRI of the right shoulder on 12/19/2003 revealed a small focal full thickness tear of the supraspinatus tendon. There were minimal changes of degenerative joint disease (DJD) of the acromioclavicular (AC) joint. Dr. Mishra, Orthopedic, evaluated her on 01/06/2004 and diagnosed impingement with AC joint arthrosis and a small focal tear of the anterior supraspinatus tendon. He recommended an injection but the injured individual refused. She wanted surgery. Dr. Blair (Ortho) evaluated her on 01/28/2004 and recommended surgery and this was performed on 02/17/2004. On 04/27/2004 she had numerous complaints. Dr. Blair felt that these were related to other issues.

Less than four months after the surgery she saw another orthopedic surgeon, Dr. Yabraian on 05/27/2004. She complained that physical therapy put her shoulder through a full range of motion (ROM) and "caused her to tear up the muscle again". She allegedly had 90 degrees of assisted abduction and 80 degrees of forward flexion that were apparently painful. The MRI of 06/18/2004 did not reveal any tears. The second set with Gadolinium also failed to reveal any tears. The only finding was subacromial bursitis.

The electromyogram/ nerve conduction velocity (EMG/NCV) studies of the right upper extremity (UE) on 07/19/2004 was essentially normal though there were very subtle changes on the EMG in the median nerve at the wrist. The post arthrogram MRI of the right shoulder dated 01/26/2005 revealed a possible labral tear superiorly and inferiorly. Dr. McConnell, another orthopedic surgeon, ordered these. Dr. Mishra performed the second operation on her shoulder on 04/11/2005. Dr. Schickner, Neurosurgery, did not find any organic lesion of sufficient severity to warrant any treatment. The EMG/NCV study of 10/25/2005 was completely normal.

The notes from Dr. McConnell follow the same format. They are voluminous preprinted notes with small squares to be checked off. One complete set numbered 84 pages. These are not clinical office notes; rather they are lengthy discussion of the various possible symptoms an injured individual could have and the numerous possible diagnoses. Then there are the same copious notes about tests that should be done, the reasons thereof, and the implications of positive findings. The next series consists of a description of all the various procedures that can be performed on the shoulder and the indications for each. Each criterion is listed separately. Finally there is a description of the various CPT codes that can be used to define the office visits.

These forms do not constitute a detailed and pertinent history and physical and it would be physically impossible to completely fill out any of these composite data forms at the time of a follow-up visit, even a new visit would not warrant generating this totally redundant data. There is no documentation of objective clinical findings of any organic disease of sufficient magnitude to warrant any surgical intervention at this time. In fact given the history from the emergency room (ER) on _____ she should never have been operated. The injured individual appears to change doctors whenever she does not like the recommendations.

The Report of Medical Evaluation (RME) by Dr. Bolte, PMR, clearly defines the possibility of secondary gain. There is no data to warrant any further testing or treatment for the alleged injury of _____. She had pre-existing changes completely unrelated to the alleged injury. In fact, on 12/15/2003 she reported a different injury that she allegedly sustained on _____. The fact that in the ER she was on the phone the entire time the ER clinician was talking with her and also moved her allegedly injured arm freely suggests the possibility of secondary gain issues.

RECORDS REVIEWED:

Notification of IRO Assignment dated 05/30/06

MR-117 dated 05/30/06

DWC-60

DWC-22: Required Medical Examination Notice or Request for Order dated 12/13/05 and one page one only

DWC-53: Employee's Request to Change Treating Doctors dated 04/21/06

DWC-66: Statement of Pharmacy Services dated 02/16/05

DWC-69: Reports of Medical Evaluation dated 12/15/03, 10/15/05 and three with Date of Certification listed as 02/03/04, 05/26/04, 09/28/04

DWC-73: Work Status Reports dated 12/15/03 through 04/11/06

MCMC: IRO Acknowledgment and Invoice Notification Letter dated 06/01/06

Flahive, Ogden & Latson: Letter dated 06/08/06 from Patricia Blackshear

Flahive, Ogden & Latson: Letter dated 05/25/06 from Ronald Johnson

Sedgwick CMS: Letter dated 04/25/06 from LaToya Ester, RN

David J. Schickner, M.D.: Letters dated 04/17/06, 03/29/06

John McConnell, M.D.: Treatment Plans (handwritten) dated 04/19/06, 02/28/06

Aligned: Authorization Request dated 04/07/06 with attached Confirmation Authorization

Sedgwick CMS: Letter dated 04/04/06 from Angela Channell

McConnell Orthopedic Clinic: Established patient visit report dated 03/28/06 from Deanna Grandstaff (17 pages)

DWC-PLN-9: Notification of Suspension of Indemnity Benefit Payment dated 02/13/06

Sedgwick CMS: Letter dated 02/06/06 from Janice Tyler, R.N.

Allied Therapy & Diagnostics: Report dated 01/30/06

McConnell Orthopedic Clinic: Established Patient Visit dated 01/30/06 from Deanna Grandstaff

David Schickner, M.D.: IME Review sheets dated 01/28/06, 10/15/05

David J. Schickner, M.D.: Assessments dated 01/17/06, 10/28/05, 09/15/05, 08/04/05, 06/09/05, 03/15/05

Optima Medical Group, P.A.: Required Medical Examination dated 01/05/06 from Brett Bolte, M.D.

Pictures of claimant's in external rotation, abduction, extension, flexion, initial external rotation, keloid, internal rotation dated 01/05/06

McCannell Orthopedic Clinic: Office note dated 12/27/05 from Brian Norman, PA-C

Review Med: Letters dated 12/15/05, 11/29/05 from Gail Banks, RME Representative

Morgan, Stephanie: Memo dated 12/15/05

Health Insurance Claim Form dated 11/02/05

McCannell Orthopedic Clinic: Established patient visit dated 11/01/05 from Brian Norman, PA-C (14 pages)

Pedro Nosnik, M.D.: Follow-Up Visit note dated 10/25/05

Pedro Nosnik, M.D.: Upper Extremity, EMG/NCV Reports (handwritten) dated 10/25/05, 01/27/05

Sedgwick CMS: Letter dated 10/06/05 from April Edwards, Medical Review Specialist

McCannell Orthopedic Clinic: Established patient report dated 09/27/05 (17 pages) from John McCannell, M.D.

DWC PLN-3: Notification of Maximum Medical Improvement/First Impairment Income Benefit Payment dated 09/20/05

Churchill Evaluation Centers: Report of Medical Evaluation dated 09/12/05 from Lewis Merrell, M.D. with attached Review of Medical History, Physical Examination, Impairment Rating Calculation and Detail, Testing and Measurements

Shoulder Treatment Plans (handwritten) dated 08/30/05, 07/20/05, 01/27/05

Meske Sports & Physical Therapy: Objectives lists for the period 06/06/05 through 01/23/06

Meske Sports & Physical Therapy: Initial Evaluation/Summary (handwritten) dated 06/01/05

John C. McCannell, M.D.: Prescription and Certification of Medical Necessity for Durable Medical Equipment dated 05/20/05

Professional Medical Consultants: History and Physical Report dated 04/13/05 from Douglas Wood, D.O.

Procedures & Diagnoses (Shoulder) dated 04/11/05 (handwritten)

McCannell Orthopedic Clinic: Operative Report (handwritten) dated 04/11/05

Vista Hospital: Nurse Note dated 04/11/05 (handwritten)

Vista Medical: Anesthesia Record dated 04/11/05

Surgical Site/Procedure Confirmation (handwritten) dated 04/11/05 from Connie Crop, RN

Vista Hospital of Dallas: Operative Report: Arthroscopic and/or Minimally Invasive Surgery dated 04/11/05 (84 pages)

McCannell Orthopedic Clinic: Imaging reports dated 04/05/05 through 01/30/06

Sedgwick CMS: Letters dated 04/04/05, 03/04/05 from Doll Long, Medical Review Specialist

First Script: Utilization History for the period 03/18/05 through 03/06/06

Vista Hospital of Dallas: Preoperative History and Physical dated 03/08/05 from Stephen Thompson, M.D.

John McCannell Orthopedic Clinic: Patient Data Forms dated 02/02/05, 01/11/05

Preliminary Diagnosis/Problems Shoulder (handwritten) dated 01/27/05 through 04/11/06

McCannell Orthopedic Clinic: Evaluation and Management Services (handwritten) dated 01/27/05 through 04/11/06

North Dallas Diagnostic Center: Right shoulder MRI, right shoulder arthrogram dated 01/26/05

Radiology Supply List dated 01/26/05

Meske Sports & Physical Therapy: Treatment/Exercises Performed sheets (handwritten) dated 06/01/05 through 01/23/06
Constitution State Services: Letter dated 01/19/05 from Edward Moffitt, RN
Cade, Dana: Memos dated 01/18/05, 01/14/05
TPA for _____ : Letter dated 01/17/05 from Heather English, CI Spec
Review Med: Information sheet dated 11/07/05
Texas Imaging & Diagnostic Center: Preauth/Precert fax dated 01/13/05
McConnell Orthopedic Clinic: Progress Note dated 01/12/05 from John McConnell, M.D.
McConnell Orthopedic Clinic: Prescription/Letter of Medical Necessity dated 01/10/05 and one illegible
Workers Compensation Verification dated 01/10/05 from Edith Soto
McConnell Orthopedic Clinic: Referral form dated 01/10/05
Churchill Evaluation Centers: Letter dated 11/18/04 from Elena Fernandez, Collections Manager
David J. Schickner, M.D.: Report of Functional Capacity dated 11/09/04
Churchill Evaluation Centers: Reports of Medical Evaluation dated 09/28/04, 05/26/04 from Lewis Merrell, M.D. with attached Review of Medical History, Physical Examination
Central Texas Neurological Association: Electromyography and Nerve Conduction Velocity dated 07/19/04
Advanced Medical Imaging: MRI right shoulder dated 06/08/04, addendum to MRI right shoulder dated 06/10/04, addendum to MRI report of right shoulder dated 01/10/05, MRI lumbar spine dated 12/19/03
Hillcrest Chiropractic Center: Prescription note dated 06/03/04
Hillcrest Chiropractic Center: Patient Face Sheet dated 06/03/04
Juan Yabraian, M.D.: Report dated 05/27/04
Bosque River Physical Therapy & Rehab: Discharge Note dated 04/30/04
William Blair, Jr., M.D.: Office notes dated 04/27/04, 02/18/04, 02/16/04, 01/27/04
Constitution State Services: Letter dated 02/04/04 from John Gay, Claim Representative
Leslie M. Bishop, M.D.: Impairment Rating dated 02/03/04
William E. Blair, Jr., M.D. Fax note dated 01/30/04
Constitution State Services: Letter dated 01/14/04
The San Antonio Orthopedic Group: Report dated 01/06/04 from Sanjay Misra, M.D.
Constitution State Services: Letter dated 12/29/03 from Kathleen Baker, Claim Representative
Scott and White: Work Related Injury Report dated 12/15/03 from Don Mackey, M.D.
D. L. Risinger, M.D.: Right humerus radiographs dated 12/14/03
Hillcrest Chiropractic Center: Preauthorization Request dated 12/13/03
Hillcrest Baptist Medical Center: Emergency Room Report dated 12/13/03 from Timothy Welter, M.D.
John McConnell, M.D.: Comments on Surgical Findings (Shoulder) dated 12/09/03
William E. Blair, Jr., M.D.: Worker's Compensation Form (handwritten) dated 01/28
Aligned: Undated letter from Bob Waeger, National Sales Manager with attached article entitled, "Spine and Scapula Stabilizing Brace Preliminary Research"
Undated Intracorp/NMR Physician Advisor review
Marcus Villarreal, M.D.: Undated Physician Advisor review
North Dallas Diagnostic Center: Undated Preliminary Report
Occupational Orthopedics Specialists: Undated Procedure Authorization Form

Southwest Medical Examination Services: Request for Service (date not legible)
Undated Patient Pain Drawing

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

____28th____ day of _____June_____ 2006.

Signature of IRO Employee: _____

Printed Name of IRO Employee: Beth Cucchi