

MDR Tracking Number: M5-03-0386-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective January 1, 2002 and Commission Rule 133.305 and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent.

The Medical Review Division has reviewed the IRO decision and determined that **the requestor did not prevail** on the issues of medical necessity. Therefore, in accordance with §133.308(q)(9), the Commission **Declines to Order** the respondent to refund the requestor for the paid IRO fee.

Based on review of the disputed issues within the request, the Medical Review Division has determined that **medical necessity was the only issue** to be resolved. The work hardening program, supplies and psychiatric interview were found to not be medically necessary. The respondent raised no other reasons for denying reimbursement.

This Order is hereby issued this 13th day of December 2002.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

NLB/nlb

November 12, 2002

David Martinez
TWCC Medical Dispute Resolution
4000 IH 35 South, MS 48
Austin, TX 78704

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IRO #: 5251

___ has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this case to ___ for independent review in accordance with TWCC Rule 133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the care rendered to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed MD who is both specialized and board certified in orthopedic surgery. The ___ health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors or providers who reviewed the case for a determination prior to the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

CLINICAL HISTORY

___ was a 17-year-old female who was working as a packer for ___. She was using her right wrist packing merchandise and she had a painful pop in her wrist, which was followed by pain and discomfort. She originally saw ___. X-rays were done which were normal. A MRI was done which was basically normal and an EMG was done on May 1, 2001, which demonstrated a mild carpal tunnel syndrome. ___ treated the patient conservatively. She apparently continued to work. He prescribed various anti-inflammatory medications and she used a splint. The record indicates that she changed doctors in August 2001 because she did not feel that she was making progress. She went to see ___ who is an orthopedic surgeon. He went over her MRI and her EMG studies and felt that she was a candidate for carpal tunnel release. He did a carpal tunnel release on September 6, 2001. She had physical therapy following this procedure and she had many subjective complaints that were not easy to understand. She had a considerable amount of physical therapy for the next four or five months and finally she was declared to be at MMI on February 13, 2002 by ___. He gave her a 12% impairment rating but this was reviewed by ___ and was apparently reduced to a 6% impairment rating. The patient had a FCE done after all the physical therapy but it demonstrated an inconsistent effort and was not really felt to be of much real value.

The patient continued to see ___ and he ordered further physical therapy. He stated that he thought she might have a mild reflex sympathetic dystrophy. ___ then ordered a work hardening program and a psychological evaluation on her. This was reviewed by the carrier and not approved. The work hardening program was not approved, and also the psychological evaluation was not approved. The patient apparently had the psychological evaluation anyway and it was done by ___. The patient was also seen for an extensive evaluation and examination by ___, the medical director of the ___. The carrier never approved this program and in fact there are letters of disapproval in the records. The patient then began a work hardening program on May 6, 2002 under the direction of ___ even without preauthorization by the carrier. The work hardening program apparently continued until June 14, 2002.

DISPUTED SERVICES

Under dispute are the medical necessity of work hardening, supplies, and psychological evaluation rendered from 2/20/02 through 6/14/02.

DECISION

The reviewer agrees with the prior adverse determination.

BASIS FOR THE DECISION

In reviewing the medical records, there is a record of a team conference that took place on February 28, 2002 in which the consensus was that the patient appeared to have very little motivation to return to work. In order for a work hardening program to be effective there should be a motivation or a desire of the patient to return to the job that she had been doing. The record indicates that she missed 25% of her program for unknown reasons. The reviewer does not find that this work hardening program was necessary for this patient. The carrier never approved the work hardening program and the reviewer does not believe that it was indicated on this healthy 17-year-old individual who appeared to be having multiple symptoms that could not be explained by objective findings. The patient would not have received any benefit from this work hardening program even if she had gone to the entire program. The reviewer does not believe that she had any intentions in returning to her previous job. She had been given an impairment rating and released from further care by the operating surgeon and the work hardening program served no purpose or benefit for this young lady.

The notes in this record indicate that she is interested in pursuing a course that would allow her to become proficient in computer technology. The ___ reviewer therefore finds that the work hardening, supplies and psychological evaluation from 2/20/02 through 6/14/02 were medically unnecessary.

As an officer of ___, I certify that there is no known conflict between the reviewer, ___ and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

___ is forwarding this finding by US Postal Service to the TWCC.

Sincerely,