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### Labor Code 4604.5

 Medical treatment utilization schedule— Guidelines; rebuttable presumption on issue of extent and scope of medical treatment; limitations on chiropractic, occupational therapy, and physical therapy visits.

#### **MTUS**

• Upon adoption by the administrative director of a medical treatment utilization schedule pursuant to Section 5307.27, the recommended guidelines set forth in the schedule shall be presumptively correct on the issue of extent and scope of medical treatment. The presumption is rebuttable and may be controverted by a preponderance of the scientific medical evidence establishing that a variance from the guidelines reasonably is required to cure or relieve the injured worker from the effects of his or her injury. The presumption created is one affecting the burden of proof.

### Guidelines

• The guidelines shall be designed to assist providers by offering an analytical framework for the evaluation and treatment of injured workers, and shall constitute care in accordance with Section 4600 for all injured workers diagnosed with industrial conditions.

### SB228

- Notwithstanding the medical treatment utilization schedule or the guidelines set forth in the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines, for injuries occurring on and after January 1, 2004, an employee shall be entitled to no more than 24 chiropractic, 24 occupational therapy, and 24 physical therapy visits per industrial injury.
- Paragraph (1) shall not apply when an employer authorizes, in writing, additional visits to a health care practitioner for physical medicine services

#### SB228

- Paragraph (1) shall not apply to visits for postsurgical physical medicine and postsurgical rehabilitation services provided in compliance with a postsurgical treatment utilization schedule established by the administrative director pursuant to Section 5307.27.
- For all injuries not covered by the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines or the official utilization schedule after adoption pursuant to Section 5307.27, authorized treatment shall be in accordance with other evidence-based medical treatment guidelines that are recognized generally by the national medical community and scientifically based.

• Every employer shall establish a utilization review process in compliance with this section, either directly or through its insurer or an entity with which an employer or insurer contracts for these services.

• Each utilization review process shall be governed by written policies and procedures. These policies and procedures shall ensure that decisions based on the medical necessity to cure and relieve of proposed medical treatment services are consistent with the schedule for medical treatment utilization adopted pursuant to Section 5307.27. Prior to adoption of the schedule, these policies and procedures shall be consistent with the recommended standards set forth in the American College of Occupational and Environmental Medicine Occupational Medical Practice Guidelines. These policies and procedures, and a description of the utilization process, shall be filed with the administrative director and shall be disclosed by the employer to employees, physicians, and the public upon request.

## 4610 Competence of physician reviewers

 No person other than a licensed physician who is competent to evaluate the specific clinical issues involved in the medical treatment services, and where these services are within the scope of the physician's practice, requested by the physician may modify, delay, or deny requests for authorization of medical treatment for reasons of medical necessity to cure and relieve.

# Utilization Review Time Frames 4610

 Prospective or concurrent decisions shall be made in a timely fashion that is appropriate for the nature of the employee's condition, not to exceed five working days from the receipt of the information reasonably necessary to make the determination, but in no event more than 14 days from the date of the medical treatment recommendation by the physician. In cases where the review is retrospective, the decision shall be communicated to the individual who received services, or to the individual's designee, within 30 days of receipt of information that is reasonably necessary to make this determination.

## Utilization Review Urgent Time Frame 4610

• When the employee's condition is such that the employee faces an imminent and serious threat to his or her health, including, but not limited to, the potential loss of life, limb, or other major bodily function, or the normal timeframe for the decisionmaking process, as described in paragraph (1), would be detrimental to the employee's life or health or could jeopardize the employee's ability to regain maximum function, decisions to approve, modify, delay, or deny requests by physicians prior to, or concurrent with, the provision of medical treatment services to employees shall be made in a timely fashion that is appropriate for the nature of the employee's condition, but not to exceed 72 hours after the receipt of the information reasonably necessary to make the determination.

### Utilization Review Dispute Resolution

• disputes shall be resolved in accordance with Section 4062. If a request to perform spinal surgery is denied, disputes shall be resolved in accordance with subdivision (b) of Section 4062.

### Utilization Review section 4062

• If either the employee or employer objects to a medical determination made by the treating physician concerning any medical issues not covered by Section 4060 or 4061 and not subject to Section 4610, the objecting party shall notify the other party in writing of the objection within 20 days of receipt of the report if the employee is represented by an attorney or within 30 days of receipt of the report if the employee is not represented by an attorney. Employer objections to the treating physician's recommendation for spinal surgery shall be subject to subdivision (b), and after denial of the physician's recommendation, in accordance with Section 4610. If the employee objects to a decision made pursuant to Section 4610. If the employee objects to a decision made pursuant to Section 4610 to modify, delay, or deny a treatment recommendation, the employee shall notify the employer of the objection in writing within **20 days** of receipt of that decision. These time limits may be extended for good cause or by mutual agreement.

### Utilization Review section 4062

 If the employee is represented by an attorney, a medical evaluation to determine the disputed medical issue shall be obtained as provided in Section 4062.2, and no other medical evaluation shall be obtained. If the employee is not represented by an attorney, the employer shall immediately provide the employee with a form prescribed by the medical director [ IMC Form 106 ] with which to request assignment of a panel of three qualified medical evaluators, the evaluation shall be obtained as provided in Section 4062.1, and no other medical evaluation shall be obtained.

### Utilization Review section 4062

• The employer may object to a report of the treating physician recommending that spinal surgery be performed within 10 days of the receipt of the report. If the employee is represented by an attorney, the parties shall seek agreement with the other party on a California licensed board-certified or board-eligible orthopedic surgeon or neurosurgeon to prepare a second opinion report resolving the disputed surgical recommendation. If no agreement is reached within 10 days, or if the employee is not represented by an attorney, an orthopedic surgeon or neurosurgeon shall be **randomly** selected by the administrative director to prepare a second opinion report resolving the disputed surgical recommendation. Examinations shall be scheduled on an expedited basis. The second opinion report shall be served on the parties within **45 days** of receipt of the treating physician's report. If the second opinion report recommends surgery, the employer shall authorize the surgery.

### What is "scope of practice?"

• Scope of practice for a UR "reviewer" is determined by the scope of the medical professional license as defined under California law and includes the procedures, actions and processes permitted for the licensed physician.

Does the physician reviewer have to hold the same license as the requesting physician?

• No, as long as the reviewer's experience, scope of practice and clinical competence cover the treatment in question.

Does the physician reviewer have to be in the same specialty as the requesting physician?

 No, as long as the reviewer's experience, scope of practice and clinical competence cover the treatment in question.

### How Do we know if a physician reviewer is qualified to review an authorization request?

- There is a two-part test for reviewer qualifications:
- 1. "competent to evaluate the specific clinical issues involved in the medical treatment services" [LC 4610(e) and CCR, title 8 9792.7(b)(2).] For example, an orthopedic surgeon request authorization to perform carpal tunnel surgery. An occupational medicine specialist with the appropriate knowledge can review the request even though the physician may not be trained to do the procedure.

**AND** 

### How Do we know if a physician reviewer is qualified to review an authorization request?

• 2. "These services are within the reviewers scope of practice?" as defined by the particular physician's California licensing board (CCR Title 8 [9792.7(b)(2)]

A reviewer who is competent to evaluate the specific clinical issues involved in the medical treatment services, and where these services are within the reviewer's scope of practice, may, except as indicated below, delay, modify or deny, requests for authorization of medical treatment for reasons of medical necessity to cure or relieve the effects of the industrial injury.

# Why do we have the utilization review process?

- Utilization review is utilized by various companies in an effort to verify that the procedure requested complies with the treatment guidelines nationally recognized.
- This came about in an effort to contain over utilization of certain procedures.

### Cost Containment

- Utilization review may cut the cost of medical delivery on insurance companies by 10% to 40% from otherwise unmonitored care delivery.
- Bill review my equally save insurance companies upwards of 30% to 35% on an average bill.

- The physician will submit a request for a procedure to be done on certain patient.
- The insurance adjuster will refer such a request to a utilization review company to review the request and certify it or non certify the request.
- On an injured worker, the process must be handled within 5 business days or 7 calendar days.

- The physician reviewing the request will look at the guidelines for the procedure requested and verify that the findings in the records submitted comply with the guidelines for the specific request.
- This will involve reviewing the documentation that the requesting physician has provided and compare with the national or state mandated guidelines for the specific procedure.

- The reviewer will then certify or non certify a specific request based on compliance with the guidelines.
- This will have a time frame for approval to perform the procedure within a certain period of time.
- The reviewer will also provide his reasoning and a copy of the appropriate guidelines he used to reach his decision.

- The treating physician may then perform the procedure requested within the guidelines attached if certified.
- If the request is not certified, the treating physician may then request an appeal of the non certification. He may then, provide additional supportive documentation to certify the procedure.

- The appeal of the denial should include objective medical findings to support the request.
- The treating physician may also request a peer to peer review of the case with the physician of like specialty. This process is not construed as adversarial but more of sharing information to arrive at a reasonable decision regarding care and treatment of the patient.



Review	Administration My Pages					
Review	Review Determination	Documents Docum	ent Summaries	Affiliated Reviews	Review Activities	Review Wiz
		Clinical Decis	ion Wizard			
	Claim #:	Patient:		Review #:		
Patient D	etails————————————————————————————————————					
DOD: 2/4:	7/10/					
DOB: 2/1	, Tustin, CA	92782				
Treatment Request						
	or lumbar re-exploration of t	the L5-S1 transpedicular	fixed instrumen	tation (Removal of pedi	cle screws) between	
	2 and 5/14/2012.	·			,	
Requestir	ng Physician Details					
	, M.D.					
	, Ar	naheim, CA 92801				
Select th	e options that apply to you	1				
	t to summarize submitted d	ocuments				
✓ Make	UR Determination					
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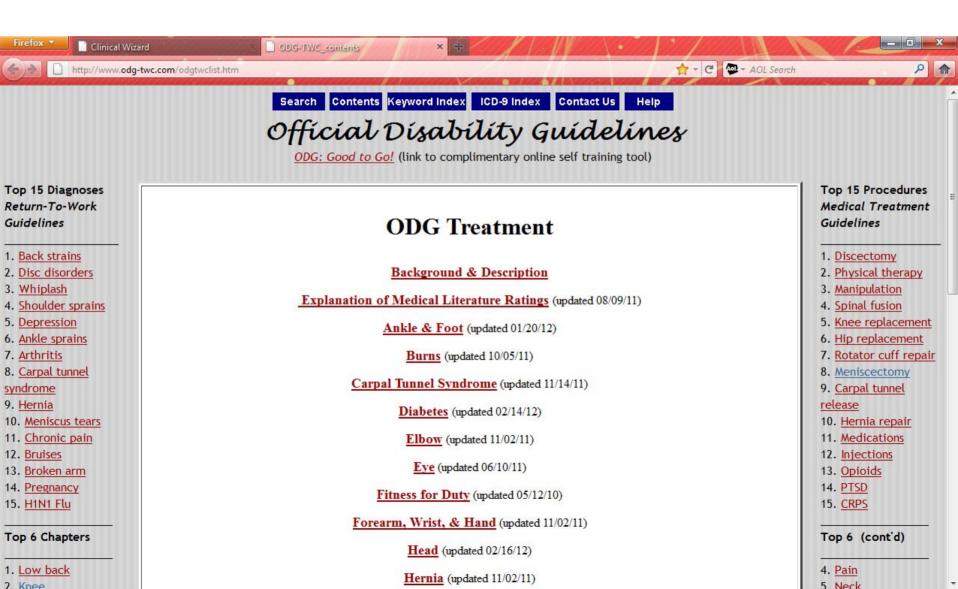


Revi	iew Administration My Pages						
	Review Review Determination Documents Document Summaries Affiliated Reviews Review Activities	Review					
	UR Determination						
	Claim #: Patient: Review #:						
P	Patient Details:						
Т	The patient is a 29 year old female with a date of injury of 6/17/2010.						
Treatment Request:							
1 Posterior lumbar re-exploration of the L5-S1 transpedicular fixed instrumentation (Removal of pedicle screws) between 3/15/2012 and 5/14/2012							
Determination:							
0	Recommend treatment plan be certified						
0	Recommend treatment plan be certified with modification						
0	Recommend treatment plan be non-certified						
0	Recommend treatment plan be conditionally non-certified						
R	Request more information						
Principal Reason:							

Review Review Determination Documents Document Summaries Affiliated Reviews Review Activities keview wizard **UR** Determination Patient: Claim #: Review #: Patient Details: The patient is a 29 year old female with a date of injury of 6/17/2010. Treatment Request: 1 Posterior lumbar re-exploration of the L5-S1 transpedicular fixed instrumentation (Removal of pedicle screws) between 3/15/2012 and 5/14/2012Determination: Recommend treatment plan be certified Recommend treatment plan be certified with modification Recommend treatment plan be non-certified Recommend treatment plan be conditionally non-certified Portion of tx request you are certifying Recommend certification of 1 Posterior lumbar re-exploration of the L5-S1 transpedicular fixed instrumenta between 3/15/2012 5/14/2012 **CPT Codes** Requested Authorize CPT Code Modifier Description Cost 22852 \$1,132.20 1 ▼ Removal Of Posterior Segmental Instrumentation'Rmv 1 0 -22842 Post Segmt Instrum; 3 To 6 Vert Segmts \$2,570.40 Savings Original Estimated Cost of Tx Request (\$): 39102.60 Savings Calculated from CPT Codes (\$): 2570.40 Additional Non-CPT Savings You Wish to List (\$): 0.00 (maximum possible: \$36532.2) Total Savings (\$): 2570.40 Recalculate Savings

Peguest more information

Aol Desktop



11. Chronic pain

12. Bruises

13. Broken arm

14. Pregnancy

15. H1N1 Flu

#### Top 6 Chapters

1. Low back

2. Knee

3. Shoulder

#### State Guidelines

1. All states

Colorado

3. New York

Elbow (updated 11/02/11)

Eye (updated 06/10/11)

Fitness for Duty (updated 05/12/10)

Forearm, Wrist, & Hand (updated 11/02/11)

Head (updated 02/16/12)

Hernia (updated 11/02/11)

Hip & Pelvis (updated 03/09/12)

Knee & Leg (updated 02/15/12)

Low Back (updated 02/20/12)

Mental Illness & Stress (updated 12/21/11)

Neck & Upper Back (updated 01/30/12)

Pain (updated 02/29/12)

Pulmonary (updated 02/24/12)

Shoulder (updated 02/14/12)

Appendix A, ODG Workers' Compensation Drug Formulary (updated 01/31/12)

Appendix B, Methodology Description using the AGREE Instrument

Appendix C, Patient Information Resources

Appendix D, Documenting Exceptions to the Guidelines

11. Medications

12. <u>Injections</u>

13. Opioids

14. <u>PTSD</u>

15. <u>CRPS</u>

Top 6 (cont'd)

4. Pain

5. Neck

6. Hand

**UR Tools** 

1. CPT Code UR

Advisor

2. NDC Codes for Automated Approval

Hardware	personal care where outcomes are not monitored by a health professional, such as gym n guideline, although temporary transitional exercise programs may be appropriate for patic back to the provider, so he or she can make changes in the prescription, and there may be athletic clubs, etc., would not generally be considered medical treatment, and are therefor see <a href="Physical therapy">Physical therapy</a> (PT) & <a href="Exercise">Exercise</a> .  See <a href="Fusion">Fusion</a> . Much of the growth of spinal fusion has been driven by the sales of new type using the least demanding surgical technique of posterolateral fusion without internal fixal fusions without improving disability or reoperation rates. (Maghout-Juratli, 2006)  There was no obvious disadvantage in disability or reoperation rates. (Maghout-Juratli, 2006)					
Hardware implant removal (fixation)	Not recommend the routine removal of hardware implanted for fixation, except in the case of broken hardware or persistent pain, after ruling out other causes of pain such as infection and nonunion. Not recommended solely to protect against allergy, carcinogenesis, or metal detection. Although hardware removal is commonly done, it should not be considered a routine procedure. The decision to remove hardware has significant economic implications, including the costs of the procedure as well as possible work time lost for postoperative recovery, and implant removal may be challenging and lead to complications, such as neurovascular injury, refracture, or recurrence of deformity. The routine removal of orthopaedic fixation devices after healing remains an issue of debate, but implant removal in symptomatic patients is rated to be moderately effective. Many surgeons refuse a routine implant removal policy, and do not believe in clinically significant adverse effects of retained metal implants. For more information and references, see the Ankle Chapter.					
Hardware injection (block)	Recommended only for diagnostic evaluation of failed back surgery syndrome. This injection procedure is performed on patients who have undergone a fusion with hardware to determine if continued pain is caused by the hardware. If the steroid/anesthetic medication can eliminate the pain by reducing the swelling and inflammation near the hardware, the surgeon may decide to remove the patient's hardware. (Guyer, 2006)					
Heat therapy	Recommended as an option. A number of studies show continuous low-level heat wrap therapy to be effective for treating low back pain. (Nadler-Spine, 2002) (Nadler, 2003) (Lurie-Luke, 2003) (Berliner, 2004) (Lloyd, 2004) One study compared the effectiveness of the Johnson & Johnson Back Plaster, the ABC Warme-Pflaster, and the Procter & Gamble ThermaCare Heat Wrap, and concluded that the ThermaCare Heat Wrap is more effective than the other two. (Trowbridge, 2004) Active warming reduces acute low back pain during rescue transport. (Nuhr-Spine, 2004) Combining continuous low-level heat wrap therapy with exercise during the treatment of acute low back pain significantly improves functional outcomes compared with either intervention alone or control. (Mayer-Spine, 2005) There is moderate evidence that heat wrap therapy provides a small short-term reduction in pain and disability in acute and sub-acute low-back pain, and that the addition of exercise further reduces pain and improves function. (French-Cochrane, 2006) Heat therapy has been found to be helpful for pain reduction and return to normal function. (Kinkade, 2007)					
Hemilaminectomy	See <u>Discectomy/laminectomy</u> .					
Herbal medicines	Recommended as indicated below. Short-term treatments with certain herbal medicines (including Devil's claw and willow bark) are effective for relief of acute low back pain, according to the results of a Cochrane review reported in the January 2007 issue of Spine. A variety of herbal medicines have been used for nonspecific low back pain, but quality evidence is available for only 3 categories: oral Harpagophytum procumbens (Devil's claw), oral Salix alba (White willow bark), and topical Capsicum frutescens (Cayenne). There is moderate evidence that 50 to 100 mg of harpagoside (H. procumbens) and 120 to 240 mg of salicin (S. alba) are useful in the treatment of acute nonspecific low back pain in the short term and limited evidence for efficacy of topical C. frutescens. With herbal medications there are potential concerns for quality of preparations. (Gagnier 2007) Herbal therapies, such as devil's claw, willow bark, and capsicum, seem to be safe options for acute exacerbations of chronic low back pain, but benefits range from small to moderate. In addition, many of the published trials were led by the same investigator, which could limit applicability of findings to other settings. (Chou. 2007) Topical treatment with comfrey root extract can markedly reduce acute upper and lower back pain, according a recent RCT. Comfrey, a medicinal herb, has long been used to treat painful joint and muscular conditions, and the root of the plant, in particular, has shown promise in reducing pain. In this study researchers used a visual analogue scale to assess back pain in 120 patients who were randomized to apply 4 g of comfrey root extract ointment or placebo ointment three times daily for 5 days. Between the first and fourth (final) follow-up assessment, pain intensity dropped by 95% in the comfrey root extract group, while a drop of 39% was seen in the placebo group. Moreover, the pain relief seen with the extract usually began in under an hour. (Giannetti, 2009) Note: Comfrey contains pytrolizidine alkaloids, which are h					
Home health services	Recommended only for otherwise recommended medical treatment for patients who are homebound, on a part-time or "intermittent" basis. Medical treatment does not include					
	homemaker services like shopping, cleaning, and laundry, and personal care given by home health aides like bathing, dressing, and using the bathroom when this is the only care needed. These recommendations are consistent with Medicare Guidelines. (CMS, 2004)					
Hospitalization	Not recommended for low back pain in the absence of major trauma (i.e., acute spinal fracture, spinal cord injury, or nerve root injury), acute or progressive neurologic deficit, or the					

Savings Calculated from CPT Codes (\$): 25/0.40

Additional Non-CPT Savings You Wish to List (\$): 0.00

(maximum possible: \$36532.2)

Total Savings (\$):

2570.40

Recalculate Savings

Request more information

#### **Principal Reason:**

Certify with modification 1 to allow Posterior lumbar Removal of pedicle screw between 3/15/2012 and 5/14/2012, This is consistent with the pain generator noted on the records of the PTP. Also consistent with the guidelines attached.

#### PASTE INTO THIS BOX

Applied Guidelines: ACOEM ODG

This claim is CA based. Therefore, ple ACOEM.

Hardware implant removal (fixation)

Because the date of injury is more than 3 months ago, please include one reference beyond

Not recommend the routine removal of hardware implanted for fixation, except in the case of broken hardware or persistent pain, after ruling out other causes of pain such as infection and nonunion. Not recommended solely to protect against allergy, carcinogenesis, or metal detection. Although hardware removal is commonly done, it should not be considered a routine procedure. The decision to remove hardware has significant economic implications, including the costs of the procedure as well as possible work time lost for postoperative recovery, and implant removal may be challenging and lead to complications, such as neurovascular injury, refracture, or recurrence of deformity. The routine removal of orthopaedic fixation devices after healing remains an issue of debate, but implant removal in symptomatic patients is rated to be moderately effective. Many surgeons refuse a routine implant removal policy, and do not believe in clinically significant adverse effects of retained metal implants. For more information and references, see the Ankle Chapter.

# THE END