



Southwestern Forensic
Associates, Inc.

REVIEWER'S REPORT

DATE OF REVIEW: February 10, 2008

IRO CASE #:

DESCRIPTION OF THE SERVICE OR SERVICES IN DISPUTE:

Lumbar pseudarthrosis repair, L5-S1; extension of fusion, L4-5; left-sided laminectomy and discectomy at L3-4 with decompression of L3 nerve root on the left; anterior interbody fusion L4-5 and L5-S1; spinal instrumentation, pedicle screws and rods, Synthes CALIF and AOL screws.

DESCRIPTION OF QUALIFICATIONS OF REVIEWER:

M.D. degreed Board Certified Orthopedic Surgeon with extensive experience in the evaluation and treatment of the spine-injured patients.

REVIEW OUTCOME:

“Upon independent review, I find that the previous adverse determination or determinations should be (check only one):

Upheld (Agree)

Overturned (Disagree)

Partially Overturned (Agree in part/Disagree in part)

INFORMATION PROVIDED FOR REVIEW:

1. TDI assignment.
2. Denial letters dated 12/14/2007, 01/14/2008 and denial 06/26/2006.
3. Carrier records, multiple copies.
4. Clinical records, M.D. dated 11/20/2007, 11/06/2007, 03/06/3007, 12/02/2006, 02/28/2006, 01/08/2008, 08/08/2006, 01/10/2006, 08/30/2005.
5. TWCC forms.
6. MRI lumbar spine 10/04/2007.
7. Selected pages from the ODG low back chapter.
8. Requestor records including request for surgical preauthorization, lumbar epidural steroid injections.

9. Operative reports dated 10/25/2007, 08/23/2007, 06/11/2007.
10. Clinical note including EMG and nerve conduction study 02/02/2006.
11. Post lumbar myelogram report, CT scan 05/12/2004.
12. MRI lumbar spine 09/16/2003.
13. ODG Guidelines were NOT presented for review.

INJURED EMPLOYEE CLINICAL HISTORY (Summary):

This is a complex lumbar spine problem. This female underwent a laminotomy and discectomy in 1985, a discogram in 1999, revision lumbar surgery in 2000, a spine fusion performed in 2002 and a subsequent fusion performed in 2003. She had epidural steroid injections in 2005 and repeated in 2007. The patient reports dramatic lumbar spine pain with pain radiating into her legs. The medical records are not consistent with regard to right or left. The patient has been recommended for an extensive lumbar surgery and has been denied this surgery through the workers' compensation system on at least three prior occasions; the first occasion, 06/26/2006, the second 12/14/2007 and the third 01/14/2008.

ANALYSIS AND EXPLANATION OF THE DECISION, INCLUDING CLINICAL BASIS, FINDINGS AND CONCLUSIONS USED TO SUPPORT DECISION:

This is a complex problem. In addition to the diagnoses offered by the patient's treating doctor, clearly this patient suffers a "failed back syndrome." Surgery under the circumstances of failed back syndrome has a broad range of successful results from a low of 21% to a high of 81%. The negatives, which suggest the likelihood of a poor result, include multiple surgeries, previous failures to achieve even six months of relief, and surgery within the compensation system. Workers' compensation patients are specifically identified as poor candidates for revision spine surgery.

DESCRIPTION AND SOURCE OF THE SCREENING CRITERIA OR OTHER CLINICAL BASIS USED TO MAKE YOUR DECISION:

- ACOEM-American College of Occupational & Environmental Medicine UM Knowledgebase.
- AHCPR-Agency for Healthcare Research & Quality Guidelines.
- DWC-Division of Workers' Compensation Policies or Guidelines.
- European Guidelines for Management of Chronic Low Back Pain.
- Interqual Criteria.
- Medical judgment, clinical experience and expertise in accordance with accepted medical standards.
- Mercy Center Consensus Conference Guidelines.
- Milliman Care Guidelines.
- ODG-Official Disability Guidelines & Treatment Guidelines, low back chapter, page 1019.
- Pressley Reed, The Medical Disability Advisor.
- Texas Guidelines for Chiropractic Quality Assurance & Practice Parameters.
- Texas TACADA Guidelines.

- _____ TMF Screening Criteria Manual.
- _____ Peer reviewed national accepted medical literature (provide a description).
- _____ Other evidence-based, scientifically valid, outcome-focused guidelines (provide a description.)