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### **Notice of Independent Review Decision**

**DATE OF REVIEW:** 4/30/2010

**IRO CASE #:**

**DESCRIPTION OF THE SERVICE OR SERVICES IN DISPUTE**

The item in dispute is the prospective medical necessity of a vertebral corpectomy (vertebral body re-section), partial or complete, anterior approach with decompression of spinal cord and/or nerve root(s); cervical single segment.

**A DESCRIPTION OF THE QUALIFICATIONS FOR EACH PHYSICIAN OR OTHER HEALTH CARE PROVIDER WHO REVIEWED THE DECISION**

The reviewer is a Medical Doctor who is board certified in Orthopedic Surgery. This reviewer has been practicing for greater than 15 years.

**REVIEW OUTCOME**

Upon independent review the reviewer finds that the previous adverse determination/adverse determinations should be:

- Upheld (Agree)
- Overturned (Disagree)
- Partially Overturned (Agree in part/Disagree in part)

The reviewer disagrees with the previous adverse determination regarding the prospective medical necessity of a vertebral corpectomy (vertebral body re-section), partial or complete, anterior approach with decompression of spinal cord and/or nerve root(s); cervical single segment.

**INFORMATION PROVIDED TO THE IRO FOR REVIEW**

Records were received and reviewed from the following parties:  
MD, PC,

These records consist of the following (duplicate records are only listed from one source):  
Records reviewed from MD: Office Notes – 10/20/09-4/6/10.

Records reviewed from PC: Letter – 4/21/10; DWC69 – 4/25/08, 1/12/09, & 12/18/09; Impairment Rating Amendment – 12/18/09, X-ray Report – 4/9/08, Letter – 12/11/08; correspondence – 1/22/08-4/2/10; MD report – 5/5/09; MD report – 12/23/08-2/26/09; MD., P.A. DDE Report – 4/25/08; PA-C Note – 8/11/08; MD MRI Report – 4/28/08; Various DWC73s; Accident Report – 12/19/07; Hospital Receivables Services Statement – 12/19/07; MD MRI Report – 12/27/07; Clinics, P.A. Patient Info Sheet & History and Physical – 1/17/08; Patient Discharge Instructions – 12/19/07; DC Script – 1/2/08; Patient Assessment Questionnaire – 12/20/07; Toxicology report – 12/20/07.

Records reviewed from: letter – 4/15/10; Review – 3/18/10 & 4/2/10; Dr. Pre-auth request – 3/15/10; MD MRI Report – 8/11/09; Medical Assoc. EMG report – 7/16/09, NCS report – 6/18/09; PC Request for Reconsideration – 3/30/10.

A copy of the ODG was not provided by the Carrier or URA for this review.

### **PATIENT CLINICAL HISTORY [SUMMARY]:**

A 4-6-10 dated progress report indicated that the (with large body habitus) was status post recent ineffective ESI's for cervical pain with upper extremity radiation. He was noted to be on multiple medications including hydroquinone. On exam, abnormal findings included decreased sensation in the C5 and C6 dermatomes. A 6/09 dated electrical study revealed bilateral C5-6 radiculopathy. An 8/09 dated cervical MRI revealed C4-5 and C5-6 HNP. The claimant was noted to have ongoing cervical radiculopathy at multiple levels, to have failed non-operative treatment and to have a surgical indication including decompression and fusion at C4-5 and C5-6. The anatomical location of the nerves to be decompressed and the disc segments to be fused were denoted in detail by the Attending Physician. Prior Attending Physician treatment notes were also reviewed. On 12-18-09, the claimant was felt to have reached MMI for the MVA-associated cervical spine condition. The 8/09 cervical MRI report was reviewed with findings as noted and with protrusions at multiple other levels also. The 7-16-09 dated electrical study revealed bilateral C5-6 radiculopathy. Specifically, the bilateral biceps, left triceps and left C6 paraspinal muscles were involved.

The 3-18-10 dated denial letter was reviewed with rationale being that there were “no objective physical findings...” The 4-2-10 dated reconsideration-denial letter's rationale was based on the lack of objection neurologic abnormalities and/or instability, in addition to the lack of apparent MRI-associated nerve root compression. The MRI's revealed protrusions at C4-5 and C5-6 (eccentric to the left) and the electrical study from 7/09 reportedly revealed bilateral C5-6 radiculopathy. It was also noted that the Attending Physician's office had sent the reconsideration request in error, although the attorney letter of 3-30-09 requested reconsideration.

The 5-5-09 evaluation by Dr. revealed the injury mechanism, neck complaints, and exam findings of “hypoactive” upper extremity reflexes and diagnoses of cervical strain with possible “radiculitis.” The 1-12-09 dated designated doctor report revealed a “thoracic disc” with an indication for cervical MRI. A 4-25-08 dated evaluation by Dr. revealed decreased upper extremity reflexes. A cervical MRI was felt indicated.

**ANALYSIS AND EXPLANATION OF THE DECISION INCLUDE CLINICAL BASIS, FINDINGS AND CONCLUSIONS USED TO SUPPORT THE DECISION.**

The claimant has objective clinical findings of sensory deficit in the C5 and C6 distribution. This includes prior findings of decreased sensation and hypo active reflexes the as noted by previous evaluators. Clinical and electrodiagnostic studies support nerve root impingement as having been adequately documented objectively. The MRI abnormalities correspond with the clinical subjective and objective findings. The ongoing diagnoses of cervical radiculopathy are attributable to the C4-5 and C5-6 cervical levels. Extensive non-operative treatment has failed. The proposed surgical intervention including decompression and fusion at C4-5 and C5-6 is medically necessary based on the Official Disability Guidelines.

According to the ODG: Recommended as an option in combination with anterior cervical discectomy for approved indications, although current evidence is conflicting about the benefit of fusion in general. Evidence is also conflicting as to whether autograft or allograft is preferable and/or what specific benefits are provided with fixation devices. Many patients have been found to have excellent outcomes while undergoing simple discectomy alone (for one- to two-level procedures), and have also been found to go on to develop spontaneous fusion after an anterior discectomy. Cervical fusion for degenerative disease resulting in axial neck pain and no radiculopathy remains controversial and conservative therapy remains the choice if there is no evidence of instability. Conservative anterior cervical fusion techniques appear to be equally effective compared to techniques using allografts, plates or cages. Cervical fusion may demonstrate good results in appropriately chosen patients with cervical spondylosis and axial neck pain. This evidence was substantiated in a recent Cochrane review that stated that hard evidence for the need for a fusion procedure after discectomy was lacking, as outlined below:

*(1) Anterior cervical discectomy compared to anterior cervical discectomy with interbody fusion with a bone graft or substitute:* Three of the six randomized controlled studies discussed in the 2004 Cochrane review found no difference between the two techniques and/or that fusion was not necessary. The Cochrane review felt there was conflicting evidence of the relative effectiveness of either procedure. Overall it was noted that patients with discectomy only had shorter hospital stays, and shorter length of operation. There was moderate evidence that pain relief after five to six weeks was higher for the patients who had discectomy with fusion. Return to work was higher early on (five weeks) in the patients with discectomy with fusion, but there was no significant difference at ten weeks. One disadvantage of fusion appears to be abnormal kinematic strain on adjacent spinal levels. The advantage of fusion appears to be a decreased rate of kyphosis in the operated segments. *(2) Fusion with autograft versus allograft:* The Cochrane review found limited evidence that the use of autograft provided better pain reduction than animal allograft. It also found that there was no difference between biocompatible osteoconductive polymer or autograft (limited evidence). A problem with autograft is morbidity as related to the donor site including infection, prolonged drainage, hematomas, persistent pain and sensory loss. Autograft is thought to increase fusion rates with less graft collapse. *(3) Fusion with autograft with plate fixation versus allograft with plate fixation, Single level:* A recent retrospective review of patients who received allograft with plate fixation versus autograft with plate fixation at a single level found fusion rates in 100% versus 90.3% respectively. This was not statistically significant. Satisfactory outcomes were noted in all non-union patients.

(4) *Fusion with different types of autograft*: The Cochrane review did not find evidence that a vertebral body graft was superior to an iliac crest graft.

(5) *Fusion with autograft versus fusion with autograft and additional instrumentation*:

*Plate Fixation*: In single-level surgery there is limited evidence that there is any difference between the use of plates and fusion with autograft in terms of union rates. For two-level surgery, there was moderate evidence that there was more improvement in arm pain for patients treated with a plate than for those without a plate. Fusion rate is improved with plating in multi-level surgery. *Cage*: Donor site pain may be decreased with the use of a cage rather than a plate, but donor site pain was not presented in a standardized manner. At two years pseudoarthrosis rate has been found to be lower in the fusion group (15%) versus the cage group (44%). A six-year follow-up of the same study group revealed no significant difference in outcome variables between the two treatment groups (both groups had pain relief). In the subgroup of patients with the cage who attained fusion, the overall outcome was better than with fusion alone. Patients treated with cage instrumentation have less segmental kyphosis and better-preserved disc height. This only appears to affect outcome in a positive way in cage patients that achieve fusion (versus cage patients with pseudoarthrosis).

(6) *Fusion with allograft alone versus with allograft and additional instrumentation*:

*Plate Fixation*: Retrospective studies indicate high levels of pseudoarthrosis rates (as high as 20% for one-level and 50% for two-level procedures) using allograft alone. In a recent comparative retrospective study examining fusion rate with plating, successful fusion was achieved in 96% of single-level cases and 91% of two-level procedures. This could be compared to a previous retrospective study by the same authors of non-plated cases that achieved successful fusion in 90% of single-level procedures and 72% of two-level procedures.

*Collapse of the grafted bone and loss of cervical lordosis*: collapse of grafted bone has been found to be less likely in plated groups for patients with multiple-level fusion. Plating has been found to maintain cervical lordosis in both multi-level and one-level procedures. The significance on outcome of kyphosis or loss of cervical lordosis in terms of prediction of clinical outcome remains under investigation. *Pseudoarthrosis*: This is recognized as an etiology of continued cervical pain and unsatisfactory outcome. Treatment options include a revision anterior approach vs. a posterior approach. Regardless of approach, there is a high rate of continued moderate to severe pain even after solid fusion is achieved. *Anterior versus posterior fusion*: In a study based on 932,009 hospital discharges associated with cervical spine surgery, anterior fusions were shown to have a much lower rate of complications compared to posterior fusions, with the overall percent of cases with complications being 2.40% for anterior decompression, 3.44% for anterior fusion, and 10.49% for posterior fusion.

*Predictors of outcome of ACDF*: Predictors of good outcome include non-smoking, a pre-operative lower pain level, soft disc disease, disease in one level, greater segmental kyphosis pre-operatively, radicular pain without additional neck or lumbar pain, short duration of symptoms, younger age, no use of analgesics, and normal ratings on biopsychosocial tests such as the Distress and Risk Assessment Method (DRAM). Predictors of poor outcomes include non-specific neck pain, psychological distress, psychosomatic problems and poor general health. Patients who smoke have compromised fusion outcomes.

*Use of Bone-morphogenetic protein (BMP)*: FDA informed healthcare professionals of reports of life-threatening complications associated with recombinant human Bone Morphogenetic Protein (rhBMP) when used in the cervical spine for spinal fusion. The safety and

effectiveness of rhBMP in the cervical spine have not been demonstrated, and these products are not approved for this use. These complications were associated with swelling of neck and throat tissue, which resulted in compression of the airway and/or neurological structures in the neck. Bone-morphogenetic protein was used in approximately 25% of all spinal fusions nationally in 2006, with use associated with more frequent complications for anterior cervical fusions. No differences were seen for lumbar, thoracic, or posterior cervical procedures, but the use of BMP in anterior cervical fusion procedures was associated with a higher rate of complication occurrence (7.09% with BMP vs 4.68% without BMP) with the primary increases seen in wound-related complications (1.22% with vs 0.65% without) and dysphagia or hoarseness (4.35% with vs 2.45% without).

**A DESCRIPTION AND THE SOURCE OF THE SCREENING CRITERIA OR OTHER CLINICAL BASIS USED TO MAKE THE 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 JUDGEMENT, CLINICAL EXPERIENCE AND EXPERTISE IN ACCORDANCE WITH ACCEPTED MEDICAL STANDARDS
- MERCY CENTER CONSENSUS CONFERENCE GUIDELINES
- MILLIMAN CARE GUIDELINES
- ODG- OFFICIAL DISABILITY GUIDELINES & TREATMENT GUIDELINES
- PRESSLEY REED, THE MEDICAL DISABILITY ADVISOR
- TEXAS GUIDELINES FOR CHIROPRACTIC QUALITY ASSURANCE & PRACTICE PARAMETERS
- TEXAS TACADA GUIDELINES
- TMF SCREENING CRITERIA MANUAL
- PEER REVIEWED NATIONALLY ACCEPTED MEDICAL LITERATURE (PROVIDE A DESCRIPTION)

**OTHER EVIDENCE BASED, SCIENTIFICALLY VALID, OUTCOME FOCUSED GUIDELINES (PROVIDE A DESCRIPTION)**