

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 prevailed** on the issues of medical necessity. Therefore, upon receipt of this Order and in accordance with §133.308(q)(9), the Commission hereby orders the respondent and non-prevailing party to **refund the requestor \$650.00** for the paid IRO fee. For the purposes of determining compliance with the order, the Commission will add 20 days to the date the order was deemed received as outlined on page one of this order.

In accordance with §413.031(e), it is a defense for the carrier if the carrier timely complies with the IRO decision.

Based on review of the disputed issues within the request, the Medical Review Division has determined that **medical necessity was not the only issue** to be resolved. The iliac crest reconstruction on 4-1-02 was found to be medically necessary.

Code 63091 billed on 4-1-02 was denied as “N – documentation does not support additional level being performed.” Operative report supports additional segment. Recommend reimbursement.

Code 22558-65 billed on 4-1-02 was denied as “G – corpectomy MAR is inclusive of arthrodesis.” The Global Service Data for Orthopedic Surgery states that code 22558 is global to code 63087. The requestor billed code 63090. Recommend reimbursement.

The above Findings and Decision are hereby issued this 22nd day of May 2003.

Dee Z. Torres
Medical Dispute Resolution Officer
Medical Review Division

On this basis, and pursuant to §§402.042, 413.016, 413.031, and 413.019 of the Act, the Medical Review Division hereby ORDERS the respondent to pay the unpaid medical fees in accordance with the fair and reasonable rate as set forth in Commission Rule 133.1(a)(8) plus all accrued interest due at the time of payment to the requestor within 20 days of receipt of this Order. This Order is applicable to date of service 4-1-02 in this dispute.

This Order is hereby issued this 22nd day of May 2003.

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

November 15, 2002

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

MDR Tracking #: M5-02-3106-01
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

___ underwent extensive surgery performed by ___ on his lumbar spine on April 1, 2002. The patient underwent anterior and posterior spinal fusion with removal of the body of the vertebra and extensive bone grafting posteriorly and anteriorly. The dispute is over the posterior part of the procedure. The patient underwent removal of the old instrumentation and re-exploration of the fusion, which was not solid, and he had a re-fusion and re-instrumentation posteriorly by ___. The patient had bone graft material taken from his left iliac crest between the two tables of the iliac crest. This type of surgery requires a considerable amount of bone graft material to be taken. The iliac crest

was completely hollowed out by ___ in order to get the required amount of bone graft material to use in the fusion. After this is done, a large amount of cavity is created in the iliac crest area and after the bone graft material was removed, ___ elected to reconstruct the iliac crest by using bone bank bone to back fill the large cavity that as created and to graft the cavity with bone bank bone.

DISPUTED SERVICES

Iliac crest reconstruction is the item in dispute in this case.

DECISION

The reviewer disagrees with the prior adverse determination.

BASIS FOR THE DECISION

It has been pointed out that the procedure was done to relieve the pain that is frequently experienced from the side of the bone graft and also to supply bone re-growth in case a repeat bone graft is ever needed gain. This procedure is felt to be reasonable, necessary and related to the original operation. The reviewer finds that it is a necessary procedure and necessary part of the operation as performed by ____. The reason that this procedure is necessary is that id does relieve some of the pain that is crated from taking the bone graft and it also does allow for re-growth of bone between the tables of the ilium in case that nay type of further bone graft material is needed to do more work on the patient's lumbar spine. The ___ reviewer therefore finds that the procedure should be allowed as part of the definitive surgery for this patient.

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,