

**THIS DECISION HAS BEEN APPEALED. THE
FOLLOWING IS THE RELATED SOAH DECISION NUMBER:**

SOAH DOCKET NO. 453-02-3866.M2

NOTICE OF INDEPENDENT REVIEW DECISION

July 3, 2002

RE: MDR Tracking #: M2-02-0567-01
IRO Certificate #: 4326

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced 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 proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ___ physician reviewer who is board certified in neurology which is the same specialty as the treating physician. The ___ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians 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 this case.

Clinical History

This 52 year old female sustained a work related injury on ___ when she was moving some tanks and they fell on her head. The patient was diagnosed with cervical disc disease. The patient underwent an anterior cervical partial vertebrectomy with cadaver bone fusion and plating at C4-5 and C6-7 on 11/01/00. A myelogram performed on 03/13/01 revealed no significant abnormalities. A CT scan of the lumbar spine performed on 08/02/01 revealed mild spinal stenosis at L4-5 secondary to the triad of bulging annulus, facet arthrosis and ligamenum flavum hypertrophy. Severe changes of facet arthrosis were seen at L5-S1. The treating physician is recommending that the patient have a lumbar MRI.

Requested Service(s)

Lumbar MRI

Decision

It is determined that an MRI of the lumbar/sacral spine is medically indicated.

Rationale/Basis for Decision

The patient is experiencing bilateral lower extremity weakness and a myelogram has revealed abnormalities. The patient has a limited range of motion in her lumbar spine with tenderness and positive straight leg raises bilaterally. The patient's symptoms include bladder incontinence and numbness in her feet. The patient's legs have progressively weakened. An MRI is necessary to examine soft tissues which are not seen well on a myelogram.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,