

October 31, 2002

Re: Medical Dispute Resolution
MDR #:M2.02.0631.01
IRO Certificate No.: IRO 5055

Dear

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ___ for an independent review. ___ has performed an independent review of the medical records to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician Board Eligible-American Board of Orthopedic Surgery.

I am the Secretary and General Counsel of ___ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this case for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by ___ is deemed to be a Commission decision and order.

Clinical History:

This 41-year-old claimant was injured on the job on ___. He is status post a lumbar fusion in 1995, with subsequent removal of hardware. In January 2002, he continued to complain of low back pain. No clinical history was provided in the record about the pattern of pain and why such pain would be considered to be discogenic. A lumbar discography at two levels above the fusion was suggested in order to ascertain whether there is any discogenic pain above that fusion.

Disputed Services:

Lumbar discogram.

Decision:

The reviewer agrees with the determination of the insurance carrier. The reviewer is of the opinion that the requested procedure is not medically necessary.

Rationale for Decision:

The record provided no clinical evidence of discogenic pain above the prior fusion. No MRI has been requested which should be the first step in a workup for adjacent segment disease above an old fusion. There is also some question as to whether there is a pseudoarthrosis at the L5-S1 level. If there is, it should be addressed first.

There is no clear clinical indication for discograms, given the lack of appropriate history and a lack of MRI findings of new degeneration above the fusion, and a lack of documentation of a solid fusion at the L5-S1 level. The patient has not undergone, since his solid lumbar fusion, a good course of lumbar stabilization, physical therapy, aerobic therapy and work hardening in order to get him back to work. Performing lumbar discograms looking for adjacent segment disease is premature.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this 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 ten (10) days of your receipt of this decision (28 Tex. Admin. Code 142.5©).

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 twenty (20) days of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you five (5) days after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5 (d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings
Texas Workers' Compensation Commission
P.O. Box 40669
Austin, TX 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.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on October 31, 2002.

Sincerely,