

CORRECTED NOTICE OF INDEPENDENT REVIEW DECISION

IRO Certificate #4599

June 14, 2002

Re: IRO Case # M2-02-0657-01

Texas Workers' Compensation Commission:

___ has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IRO's, TWCC assigned this case to ___ for an independent review. ___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, ___ received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a physician who is Board Certified in Neurological Surgery. He or she has signed a certification statement attesting 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 referral to ___ for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The ___ reviewer who reviewed this case has determined that, based on the medical records provided, the requested care is not medically necessary. Therefore, ___ agrees with the adverse determination regarding this case. The reviewer's decision and the specific reasons for it, is as follows:

This case involves a 51-year-old female who had back surgery in ___, consisting of inspection of a previous fusion, along with foraminotomies of L5 and S1 bilaterally. The records provided do not indicate the results of the surgery, but the patient is complaining of lower back and left lower extremity pain. This led to reevaluation in 2002.

Notes dated 2/21/02 indicating that the treating MD was awaiting MRI authorization, and at the same time suggested discography with possible facet injections. On 4/1/02 a letter from the treating physician states that “she had an MRI,” but the date of the MRI is not stated, and no report of an MRI in 2000 was provided.

I agree with the carrier’s decision to deny the requested lumbar discography evaluation. This patient’s discomfort could be secondary to changes in the lumbar spine which would not be seen on radiography. Because of the possibility of radiculopathy, I would agree with MRI or CT myelographic evaluation. Discography under the circumstances of this patient would not lead to any result that would indicate a therapeutic approach to the problem.

This medical necessity decision by an Independent Review Organization regarding a lumbar discogram is deemed to be a Commission 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** (ten) days of your receipt of this decision (28 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 a hearing should be sent to:
Chief Clerk of Proceedings, Texas Worker’s Compensation Commission, P O Box 40669,
Austin, TX 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing this 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,

In accordance with Commission Rule 102.4 (b), I hereby certify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or US Postal Service from the office of the IRO on this 14th day of June 002.