

NOTICE OF INDEPENDENT REVIEW DECISION

August 6, 2003

RE: MDR Tracking #: M2-02-0679-01
IRO Certificate #: IRO4326

___ 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 neurosurgery 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 patient sustained lumbar and cervical spine injuries on ___ while lifting a printer at work. She has had a long course of therapy and treatments including an anterior cervical fusion at C6-7 on 11/11/99 and a posterior laminectomy with interbody fusion at L4-5 on 01/16/01. She has had continued pain and has been taking numerous medications including Oxycontin and anti-depressants.

Requested Service(s)

Discogram with CT scan to follow

Decision

It is determined that the proposed discogram with CT scan to follow is not medically necessary to treat this patient's condition.

Rationale/Basis for Decision

In reviewing the patient's medical record, the persistent neck pain may be due to pseudoarthrosis at C6-7 as the x-ray of 08/29/01, 20 months post operatively, still shows

lucency around the graft. This patient would be best served by a flexion/extension x-ray to document fusion followed by an MRI to assess adjacent levels prior to considering discography. Therefore, it is determined that the proposed discogram with CT scan to follow is not medically necessary.

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,

Rosalinda Lopez, Program Administrator, Medical Review Division, TWCC

<p>In accordance with Commission Rule 102.4 (h), 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 this 6th day of August 2003.</p>
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