

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

August 5, 2002

Re: IRO Case # M2-02-0807-01

Texas Worker's 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 treatment is medically necessary. Therefore, ___ disagrees with the adverse determination regarding this case. The reviewer's decision and the specific reasons for it, is as follows:

History

This case involves a now 39-year-old female who fell on ___. The patient developed back pain, which soon radiated to the right lower extremities. The patient was treated with physical therapy, various medications and epidural steroid injections without relief of symptoms. An MRI 4/18/01 showed severe degenerative disk disease changes at L4-5 and L5-S1 without anything suggesting nerve root compression. An EMG 12/10/01 was thought normal, and discography was found to be essentially inadequate when performed 11/21/01. Although it could not be completed to the satisfaction of the examiner, it did suggest that there was concordant pain produced at L5-S1.

Requested Service

Decompression and fusion L4-S1

Decision

I disagree with the carrier's decision to deny the requested procedure.

Rationale

The patient has been long enough with symptoms, and there is enough evidence that improvement could be obtained with the procedure. The procedure is indicated as long as the patient is aware that it might not be significantly beneficial.. After the passage of 16 months with continued discomfort, and the failure of conservative measures, the operative procedure proposed is a last resort in trying to deal with this patient's trouble.

This medical necessity decision by an Independent Review Organization 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,
