

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

July 18, 2002

Re: IRO Case # M2-02-0820-01

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 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:

History

This case involves a 43-year-old male who felt a sharp pain in his back on ___. It soon was associated with lower extremity pain. Because of his persistence, an MRI of the lumbar spine was done on 2/19/00. The MRI showed probably significant disk change with possible nerve compression at the L4-5 level. The patient received multiple epidural steroid injections and physical therapy without benefit. On 9/13/00 he underwent an L4-5 discectomy with decompressive laminectomy and interbody fusion. Because of the patient's persistence of discomfort, discographic evaluation was done on 6/29/01, which showed concordant pain at L2-3, and to a lesser extent at L3-4. It is significant to note that the patient reinjured his back on ___ when he slipped in an apparently broken chair.

Requested Service

L2-3 and L3-4 nucleoplasty

Decision

I agree with the carrier's decision to deny the requested nucleoplasty at L2-3 and L3-4.

Rationale

Discographic evaluation with dependency on concordant pain is very questionable in patients with previous lumbar surgery, under the best of circumstances. According to the patient's psychologist, who evaluated him many times, the patient appears to be psychologically devastated due to his injury, and has subsequent inability to perform his job and support his family. A patient such as this is prone to be unreliable in response to the pain-producing procedures.

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,
