

NOTICE OF INDEPENDENT REVIEW DECISION

November 20, 2002

RE: MDR Tracking #: M2-02-0879-01
IRO Certificate #: 4326

___ 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 orthopedic surgery 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 35 year old female sustained a work-related injury on ___ when she slipped and fell onto her buttocks with acute onset of back and leg pain. The clinical and diagnostic work-up revealed a positive discography at L4-5 and L5-S1, desiccation at L4-5 and L5-S1 with a small protrusion at L5 on the MRI scan and a positive EMG showing a left L5 irritation pattern. The patient continues to have pain despite conservative treatment that has included medication, physical therapy, chiropractic treatment, and epidural steroid injections. The treating physician has recommended a L4-5 and L5-S1 posterior lumbar interbody fusion (PLIF) with cages and screws, rods, and instrumentation.

Requested Service(s)

L4-5 and L5-S1 PLIF with cages and screws, rods, and instrumentation

Decision

It has been determined that the L4-5 and L5-S1 PLIF with cages and screws, rods, and instrumentation is not medically necessary.

Rationale/Basis for Decision

The medical record documentation indicates a patient with MRI evidence of abnormalities at L4-5 and L5-S1 level with discography that is positive at both of these levels. The EMG shows a left L5 radiculopathy, however it is not manifested in motor or sensory deficits on physical examination. In addition, the patient smokes and has significant positive Waddell signs. In view of these findings, the patient is not an appropriate candidate for surgical intervention. Therefore the L4-5 and L5-S1 PLIF with cages and screws, rods, and instrumentation 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,