

**IRO Certificate #4599**

**NOTICE OF INDEPENDENT REVIEW DECISION**

December 6, 2002

**Re: IRO Case # M2-02-0917**

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 IROs, 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 determination of the \_\_\_ reviewer who reviewed this case, based on the medical records provided, is as follows:

History

The patient is a now 49-year-old male who in \_\_\_ was walking and pulling a chain and developed back pain which extended into bilateral buttock and lower extremity areas. Therapy included facet and epidural steroid injections without significant benefit. Diagnostic studies included electromyography which suggested irritation of the L5-S1 levels, but no report discussing those findings was presented for review. Also, a discogram was reported as being done showing some concordant pain at L2-3 and L3-4. Nothing in the reports provided for review suggests a reason for specifically concluding that the L4-5 level is the source of this patient's problem.

Requested Service

Open coblation nucleoplasty at L4-5

Decision

I agree with the carrier's decision to deny the requested treatment.

Rationale

Fusion has been recommended by one surgeon. No objective evidence was supplied for this review that would support pain being secondary to L4-5 pathology, such as imaging studies showing that as a primary level of involvement. In addition, discographic evaluation, which did suggest the potential of L4-5 trouble, is often very inadequate in the face of previous lumbar surgery, which this patient had had in the 1980s.

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,

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 and the requestor or claimant via facsimile or US Postal Service from the office of the IRO on this 6<sup>th</sup> day of December 2002.