

NOTICE OF INDEPENDENT REVIEW DECISION

October 31, 2002

RE: MDR Tracking #: M2-03-0028-01
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 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 39 year old male sustained a work related injury to his low back on ___ when, while lifting a bomb shell, he slipped and jerked forward as he attempted to catch the shell. He is status post L5-S1 posterior lumbar interbody fusion with cages in June of 1998 and decompression laminectomy at L3 and L4 on 07/25/00. An MRI of the lumbar spine, dated 11/28/01, revealed mild bulges at T12-L1 and L1-2. In addition, there is a left L3-4 foraminal bulge. The patient has lumbar radiculopathy, complains of low back pain and is experiencing chronic pain syndrome. He has failed conservative treatment including epidural steroid injections, facet injections, physical therapy, oral medications and biofeedback. The treating physician has recommended that the patient undergo a lumbar discogram.

Requested Service(s)

Lumbar discogram

Decision

It has been determined that a lumbar discogram is medically necessary.

Rationale/Basis for Decision

Based on the information submitted for review, a lumbar discogram is medically necessary. This patient has persistent and recurrent low back pain and radiculopathy despite conservative medical treatment, including biofeedback. This is an indication for lumbar discography. Therefore, a lumbar discogram is 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,