

NOTICE OF INDEPENDENT REVIEW DECISION

October 9, 2002

RE: MDR Tracking #: M2-03-0043-01
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 female sustained a work-related back injury on ___ while moving cases of magazines. On 01/25/00 she underwent a L5-S1 decompression laminectomy with fusion and instrumentation. She improved postoperatively but developed recurrent symptoms with pain in the low back and proximal right leg. The neurosurgeon recommended exploration of fusion and removal of lumbar hardware.

Requested Service(s)

Exploration of fusion and removal of lumbar hardware

Decision

It has been determined that the exploration of fusion and removal of lumbar hardware is not medically necessary.

Rationale/Basis for Decision

Based on the documentation submitted for review, the exploration of fusion and removal of lumbar hardware is not medically necessary. The myelogram/CT revealed no nerve root compromise, the fusion was deemed solid, and the EMG was equivocal. Additional testing, such as bone scan and/or tomography, could be considered if occult pseudoarthrosis is suspected. Also, "hardware block" by a pain management specialist may provide information to suggest an explanation that may be of clinical benefit. Therefore, the exploration of fusion and removal of lumbar hardware 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,