

November 5, 2002

Re: Medical Dispute Resolution
MDR #: M2.03.0075.01
IRO Certificate No.: IRO 5055

Dear

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ___ for an independent review. ___ has performed an independent review of the medical records to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Eligible/American Board Orthopedic Surgery.

I am the Secretary and General Counsel of ___ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this case for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by ___ is deemed to be a Commission decision and order.

Clinical History:

This 37-year-old male was injured on his job on ____. He is status post L-4 to the sacrum circumferential fusion. His recovery at levels of L-5 to S-1 was good. He has since developed an L3-4 instability. His workup showed segmental instability on plain films as well as a discogram confirming that the concordant level for the patient's continued pain is at the L3-4 level.

Disputed Services:

Lumbar hardware removal L4-S1 and PLIF at L3—L4.

Decision:

The reviewer disagrees with the determination of the insurance carrier. The reviewer is of the opinion that the requested procedure is medically necessary in this case.

Rationale for Decision:

The workup the physician has undertaken in terms of documenting clinical symptoms as well as confirming it with a discogram is entirely appropriate. At this point, the general opinion is that for combination discogenic pain and segmental instability it is best to perform a procedure that involves an anterior column support in order to ensure fusion and to get rid of discogenic pain fibers. This workup has been indicated and the conclusions are appropriate.

Currently, there have been recent studies that are in press by the North American Spine Society documenting the existence of adjacent segment disease. Especially for fusions that end on the sacrum, the level proximal is the one at risk for degenerating.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this 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 ten (10) days of your receipt of this decision (28 Tex. Admin. Code 142.5©).

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 twenty (20) days of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you five (5) 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 Workers' Compensation Commission
P.O. Box 40669
Austin, TX 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.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on November 4, 2002.

Sincerely,