

November 12, 2002

Re: Medical Dispute Resolution  
MDR #: M2.03.0112.01  
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 Certified in 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 28-year-old male was in an on-the-job accident on \_\_\_, complaining of low back pain since that date. He was managed for several months with appropriate medication, physical therapy and two epidural steroid injections. He was referred to an orthopedic surgeon in August 2001, and non-surgical treatment was continued until November 2001, with no lasting improvement in pain. Clinical exam revealed a diagnosis of discogenic pain at L5-S1.

MRI shows degenerative disc disease at L3-L4, L4-L5 and L5-S1, on 05/15/01. Nerve conduction velocities/EMG studies on 08/27/01 showed "no evidence of radiculopathy, neuropathy or myopathy".

Disputed Services:

Intradiscal electrothermal annuloplasty.

Decision:

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

Rationale for Decision:

The treating orthopedic surgeon of fourteen (14) months has recommended IDET procedure at level L5-S1. He has confirmed his clinical impression of discogenic pain at L5-S1 with a diagnostic-provocative lumbar discogram, which produced pain at L5-S1 (with L3-4 and L4-5 as control levels). IDET is an accepted procedure, widely performed. If this patient's pain is discogenic (e.g., an annulus tear), there is reason to believe he has a better than 50% chance of benefiting from IDET.

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 12, 2002.

Sincerely,