

March 4, 2003

Re: Medical Dispute Resolution  
MDR #: M2.03.0499.01  
IRO Certificate No.: 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 Physical Medicine and Rehabilitation.

Clinical History:

This male patient reported an injury to his low back sustained during the course of his employment on \_\_\_, when he fell off a ladder. An MRI demonstrated disc abnormalities at the L4-5 and L5-S1 levels. He underwent L4-5 and L5-S1 posterior lateral gutter fusion in 1992, without discectomy. Subsequently, in 1998, he underwent decompression at L4-5 with fusion with PLIF and cages. He had lumbar discogram at L3-4, which was non-concordant.

Disputed Services:

Lumbar discography at the L4-S1 level.

Decision:

The reviewer agrees with the determination of the insurance carrier. The reviewer is of the opinion that the lumbar discography is not medically necessary in this case.

Rationale for Decision:

No evidence was presented in the records to suggest instability or non-union of fusion at L5-S1. Given the patient's long history of chronic pain, psychiatric and behavioral medicine issues, lumbar discography would be quite unreliable with regards to absolute certainty of a pain generator. Psychometric testing per the available records has documented elevations on hypochondriasis, depression, psychopathic deviancy, schizophrenia, and social

introversion scales, with elevations of the hysteria and paranoia scales as well.

Statistically, in reviewing an article by Smith, psychiatric disease was present in 67% of patients whose condition worsened on unoperated discogram-positive patients. Please refer to the Carragee studies, as well, regarding the validity of lumbar discography.

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 care 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.

### **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 March 4, 2003.

Sincerely,