

February 13, 2003

David Martinez
TWCC Medical Dispute Resolution
4000 IH 35 South, MS 48
Austin, TX 78704

MDR Tracking #: M2-03-0532-01
IRO #: 5251

___ has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this 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, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed Medical Doctor with a specialty and board certification in Orthopedic Surgery. The ___ health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors 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 the dispute.

CLINICAL HISTORY

___ is a 42-year-old woman who had been working as a sewing machine operator for ___ for employment for approximately six months when she developed pain in her neck. She was sitting at her sewing machine and she apparently blacked out or fainted and she was taken to the hospital where she was completely worked up in the emergency room. She had a CT scan of her head, x-rays of her neck, neurological evaluation, and then she was released from the emergency room. Her diagnosis was cervical osteoarthritis. She then continued to have problems with her neck and she had a second syncopal episode at home on January 31, 2001. Again, she was taken to ht hospital and worked up. She had a spinal tap and she was released from the emergency room. She then consulted an attorney who directed her to a chiropractor, ___. He examined her and treated her in his office. He did an MRI on her cervical spine which demonstrated minimal changes, minimal arthritis and minimal evidence of disc bulging without any real significant deformity of the neural structures. She did have mild deformity of the thecal sac, but no deformity of the spinal canal. The patient was apparently treated conservatively by the chiropractor and she has apparently controlled her symptoms with conservative treatment.

The patient was then referred to a neurosurgeon who was ___ by the chiropractor and he suggested obtaining an MRI on her cervical spine to get a current evaluation on her neck. The report from ___, a neurosurgeon, is included in the medical records. He saw her on November 7, 2002. There was no particular change in her neurologic status. She did not present with any

neurologic deficit of any significance and she did not have any clinical evidence of significant change over previous symptoms. The insurance carrier has refused to approve the repeat MRI on this case.

REQUESTED SERVICE

A repeat cervical MRI is requested for this patient.

DECISION

The reviewer agrees with the prior adverse determination.

BASIS FOR THE DECISION

The reviewer finds no indication to repeat the MRI on this patient at this time. There has been no significant change in her neurologic status. There has been no significant trauma to her neck. Her symptoms are basically the same as they have been in the past, except that she is complaining of more symptoms. The reviewer sees no reason to do a repeat MRI at this time. It is not medically necessary and would not add anything that would enable her to be treated any more effectively. The rationale for this decision is the fact that her symptoms have simply not changed significantly from the date that she had the previous MRI study.

___ has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. ___ has made no determinations regarding benefits available under the injured employee's policy.

As an officer of ___, I certify that there is no known conflict between the reviewer, ___ and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

___ is forwarding by mail and, in the case of time sensitive matters by facsimile, a copy of this finding to the treating doctor, payor and/or URA, patient and the TWCC.

Sincerely,

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.

In the case of prospective *spinal surgery* decision, a request for a hearing must be made in writing and it must be received by the TWCC Chief Clerk of Proceedings within 10 days of your receipt of this decision. (20 Tex. Admin. Code 142.5(c)).

In the case of other *prospective (preauthorization) medical necessity* disputes 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 a hearing should be sent to: Chief Clerk of Proceedings, Texas Worker's Compensation Commission, P.O. Box 40669, Austin, TX 78704-0012. A copy of this decision should be attached to the request.

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute, per TWCC rule 133.308(t)(2).

I hereby certify, in accordance with TWCC Rule 102.4 (h), that a copy of this Independent Review Organization decision was sent to the carrier, requestor, claimant (and/or the claimant's representative) and the TWCC via facsimile, U.S. Postal Service or both on this 13th day of February, 2003.