

March 13, 2003

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

MDR Tracking #: M2-03-0563-01-SS
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 D.O. with a specialty and board certification in Neurological 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

___ work-related injury occurred on ___. She had been referred to ___, a fellowship-trained orthopedic surgeon, who is requesting anterior interbody fusion for her. She has had conservative treatment in the forms of physical therapy. She has had epidural steroid injections and facet injections. She has also had two differently performed discograms, all with findings of an L5/S1 discogenic disease.

It has been over six months since her low back has precipitated, and for this she has been prescribed chronic narcotics.

REQUESTED SERVICE

Anterior discectomy with fusion, bone graft, cages and pedicle screws is requested for this patient.

DECISION

The reviewer disagrees with the prior adverse determination.

BASIS FOR THE DECISION

The ___ reviewer finds that ___ has met the medical guidelines for interbody fusion. She has had long conservative treatment. She has had epidurals, facet blocks, and a positive discogram and positive MRI which are consistent with discogenic disease. This patient has exhausted her remedies for conservative treatment and has met criteria for the requested procedure.

There is a large body of literature to supporting interbody fusion for discogenic pain. The reviewer has referenced twenty-one articles that support this decision from the Spine journal, including:

“Management of Chronic Disabling Low Back Pain With 360° Fusion Results From Pain Provocation Test and Concurrent Posterior Interbody Fusion, Posterolateral Fusion and Pedicle Screw Instrumentation in Patients With Chronic Disabling Low Back Pain,” Spine 24(19):2042, Carl Leufven, MD; Anders Nordwall, MD, PhD.

___ 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 March, 2003.