

## NOTICE OF INDEPENDENT REVIEW DECISION

April 14, 2003

MDR Tracking #: M2-03-0571-01  
IRO Certificate #:IRO4326

The \_\_\_ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced 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, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a \_\_\_ physician reviewer who is board certified in orthopedic surgery which is the same specialty as the treating physician. The \_\_\_ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians 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 this case.

### Clinical History

The patient sustained a work-related injury on \_\_\_ when he fell backwards while holding furniture and injured his back. The patient underwent a lumbar laminectomy in 1997 followed by physical therapy. An MRI performed on 02/22/02 revealed mild epidural scar at L4-5 and L5-S1, internal disc derangement of L3-4, and L4-S1, and disc protrusion at L5-S1. A lumbar discogram revealed annular tears at L3-4, L4-5, and L5-S1 with epidural extravasation of the contrast at L3-4 and L4-5. A provocative lumbar discogram revealed no concordant pain at the L2-3 controlled disc with reproduction of his usual back pain at L3-4, L4-5, and L5-S1.

### Requested Service(s)

Selective endoscopic discectomy with annuloplasty

### Decision

It is determined that a selective endoscopic discectomy with annuloplasty is medically necessary to treat this patient's condition.

### Rationale/Basis for Decision

Endoscopic discectomy with annuloplasty has documented papers and has been presented at the North American Spine meetings, as well as published articles regarding its efficacy.

This procedure has been performed with good results and is preferable to performing a more extensive procedure such as a 3 level fusion that often does not give good results with resolution of symptomatology. An endoscopic discectomy with annuloplasty will reduce the patient's pain and enable to patient to return to some form of gainful employment. The patient has exhausted his other options and the endoscopic discectomy with annuloplasty would be a lesser procedure and more appropriate at this time. Therefore, the selective endoscopic discectomy with annuloplasty is medically necessary.

This decision by the IRO is deemed to be a TWCC decision and order.

### **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.

**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 **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c))

**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 **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 hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 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 (Commission Rule 133.308 (t)(2)).

Sincerely,

In accordance with Commission Rule 102.4 (h), 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 this 14 <sup>th</sup> day of April 2003.
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------