

NOTICE OF INDEPENDENT REVIEW DECISION

MDR Tracking #: M2-03-0661-01
IRO Certificate #: IRO4326

___ 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 anesthesiology and pain management 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

This patient was injured on ___ when he was hit from behind by a forklift. The impact was on the left side of his upper back and the back of his head. The patient saw a chiropractor for treatment and therapy. A thoracic MRI from 08/23/02 revealed a protruded disc at T8-T9 with mild impingement on the thecal sac.

Requested Service(s)

Epidural steroid injection

Decision

It is determined that the epidural steroid injection is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

According to dictation in the medical record, the pain is radicular in the thoracic region consistent with the protruded disc seen on the MRI. The patient has reached a plateau to non-interventional treatment.

Epidural steroid injections (ESI) are currently used for patients with a protruded disc who have not responded to directed conservative care for at least four weeks. The North American Spine Society Guidelines (phase III) include ESI's in this phase of care, as long as they are "done with fluoroscopic guidance by a specialist with training in this technique" (*Unremitting low back pain. In: North American Spine Society phase III clinical guidelines for multidisciplinary spine care specialists.* North American Spine Society. Unremitting low back pain. North American Spine Society (NASS); 2000. 96p). The number and frequency of injections should be determined by clinical improvement, although one to three is the recommended amount.

The documentation clearly indicates this patient meets all these criteria. Therefore, it is determined that the epidural steroid injection 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,