

NOTICE OF INDEPENDENT REVIEW DECISION

Date: April 1, 2003

Requester/ Respondent Address: Debra Hausenfluck, TWCC
4000 S. IH-35, MS-48
Austin, TX 78704-7491

RE:
MDR Tracking #: M2-03-0722-01-ss
IRO Certificate #: 5242

___ 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 an Orthopedic Surgeon physician reviewer who is board certified in Orthopedic Surgery. The Orthopedic Surgeon 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 case in question involves a 39 year old male who sustained a low back injury on ____. His chief complaint was low back pain with radicular symptoms. Lumbar MRI indicated a disc herniation at L5-S1 and disc bulging with loss of disc hydration and facet arthropathy at L3 and L4. A subsequent discogram indicated fissuring of the Annulus Fibrosis at all three levels. His present pain complaints involve the posterolateral thigh radiating to the right great toe and 2nd and 3rd toes. There is L5, S1 hypesthesia reported.

Requested Service(s)

Lumbar percutaneous nucleoplasty at L3 and L4.

Decision

I agree with carrier that procedure is not medically necessary.

Rationale/Basis for Decision

The gold standard for disc surgery, if indicated, is microdiscectomy. Percutaneous disc surgery is not feasible at L5-S1 which on physical exam and MRI is his main focus of pathology. The efficacy of nucleoplasty has not been established according to Federal guidelines. Discography has been shown to be unreliable in Worker's Compensation cases and decisions for invasive procedures should not be based on this test. This has been documented by Carragee et al presented at the North American Spine Society. (It was the prize winning paper).

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

If disputing other prospective medical necessity (pre-authorization) 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,

cc:

<p>In accordance with Commission Rule 102.4(h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to TWCC via facsimile or U.S. Postal Service from the office of the IRO on this 1st day of April 2003.</p>
