

NOTICE OF INDEPENDENT REVIEW DECISION

Date: April 9, 2003

RE: MDR Tracking #: M2-03-0801-01
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

Claimant sustained a compensable repetitive trauma injury on or about ____. Claimant has not improved after one and one-half years of conservative treatment. Some invasive diagnostic studies indicate multiple levels of lumbar disc pathology.

Requested Service(s)

Lumbar discogram.

Decision

I disagree with the findings of the insurance carrier and find that the requested intervention is medically necessary.

Rationale/Basis for Decision

In a letter dated March 28, 2003, a hearing consultant indicates that "the only proposed advantage of discography is that it can identify the level or origin of pain". In a review of the letter by the treating physician dated January 20, 2003, this is precisely the reason given for the discogram. Claimant has multiple lumbar disc pathology and has failed conservative therapy and the treating physician is evaluating the claimant for surgery. The lumbar discogram "has

therefore been requested that the patient has multiple disc disease and there is a need to isolate her pain generator and address our attention to that level". A finding of concordant pain at a single disc level will certainly clarify the clinical picture at this point. Therefore, in review of all medical records and additional information provided on appeal, the request intervention is deemed to be medically necessary.

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,

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 requester and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 9 th day of April 2002.
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