

September 29, 2003

Re: Medical Dispute Resolution  
MDR #: M2-03-0803-01-SS  
IRO Certificate No.: 5055

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to \_\_\_ for an independent review. \_\_\_ has performed an independent review of the medical records to determine medical necessity. In performing this review, \_\_\_ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Certified in Spine Surgery.

**Clinical History:**

This male patient was injured on-the-job on \_\_\_\_. He has repeatedly presented to his physician with pain in the neck as well as pain radiating down the left shoulder and upper extremity to the ulnar aspect of the hand. Cervical discography dated May 2002 revealed posterior annular tears and discordant pain at C4-5 and C6-7. Cervical myelogram dated April 2002 revealed a 2.00 mm right parasagittal disk protrusion at C6-7 and the possibility of annular bulging at C5-6. CT of the cervical spine dated February 2002 was normal. MRI of the cervical spine dated June 2001 revealed annular bulges at C3-4, C4-5 and C5-6 (there is no mention of C6-7). Upper extremity EMG dated December 2001 revealed findings suggestive of bilateral C-6 and C-7 radiculopathy. Repeated examinations in clinic have revealed negative myelopathic reflexes and 5/5 motor strength in the upper extremities.

**Disputed Services:**

Anterior cervical discectomy and fusion at C6-7 (ACDF C6/7).

**Decision:**

The reviewer agrees with the determination of the insurance carrier. The services in question are not medically necessary.

**Rationale:**

Based on the documentation reviewed, there is absolutely no indication that removal of the C6-7 disk and fusion of that vertebra would reduce this patient's pain. Diskography was discordant and there is no significant disk protrusion at C607. Furthermore, EMG was suggestive of bilateral, not unilateral, symptoms.

I am the Secretary and General Counsel of \_\_\_ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this care for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by \_\_\_ is deemed to be a Commission decision and order.

### **YOUR RIGHT TO REQUEST A HEARING**

Either party to this medical dispute may disagree with all or part of this 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 ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

**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 twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) 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 Workers' Compensation Commission  
P.O. Box 40669  
Austin, TX 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.

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 September 29, 2003.

Sincerely,