

August 11, 2003

Re: Medical Dispute Resolution
MDR # M2-03-0944-01

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 female claimant injured her back in a work-related accident on ____. She has a history of laminectomy and fusion from L-4 down to S-1 in the early 1970's. Following her injury on ____, the patient complained of severe back pain, as well as some numbness and tingling in the left leg. X-rays in August 2002, consisting of flexion and extension views revealed no motion at L-4 to S-1. There was motion above this area. Myelogram and CAT scan in August 2002 revealed what appears to be a solid lumbar fusion from L-4 to S-1, with no canal or neuroforaminal involvement.

Documentation (done in October 2002) of the August CT myelogram noted minimal right S-1 nerve root displacement and a solid L-4 to S-1 fusion. Discography at L4-5 in November 2002 revealed concordant pain at that segment.

Disputed Services:

Anterior fusion at L4-5 and L5-S1.

Decision:

The reviewer disagrees with the determination of the insurance carrier and is of the opinion that the fusion is medically necessary in this case.

Rationale:

There is documented evidence in the literature that, despite a solid posterior lateral fusion, discogenic disease can persist, or even develop, well after the posterior lateral fusion has been performed at the same segments at the posterior lateral fusion. Please refer to the *Journal of Bone and Joint Surgery, British*, 1986, January, pp. 142-143. Please also refer to *Spine*, April 1, 2000, pp. 853-857.

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 August 11, 2003.

Sincerely,