

NOTICE OF INDEPENDENT REVIEW DECISION

June 6, 2003

RE: MDR Tracking #: M2-03-1055-01
IRO Certificate #: IRO4326

The ___ 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 orthopedic surgery 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 ___ while lifting a hydraulic jack out of the back of a pickup truck. He felt a pop in his back with pain radiating down into his bilateral extremities. The patient has tried anti-inflammatory medications, physical therapy, and epidural steroid injections with no significant relief. He has also had chiropractic treatments.

Requested Service(s)

Laminotomy, use of operating microscope, hospital discharge, and initial hospital care

Decision

It is determined that the proposed laminotomy, use of operating microscope, hospital discharge, and initial hospital care is not medically necessary to treat this patient's condition.

Rationale/Basis for Decision

The discogram from 12/04/01 revealed extensive pathology at multiple levels, from L2 to S1. Although he has numerous protrusions and annular tears, there is no overwhelming evidence documented of any radiculopathy present. The medical records reveal that this patient had multilevel degenerative disc changes present long before the injury on ___. Therefore, it is determined that the proposed laminotomy, use of operating microscope, hospital discharge, and initial hospital care is not 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,

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 requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 6 th day of June 2003.
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