

July 15, 2003

MDR Tracking #: M2-03-1406-01
IRO #: 5251

___ has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this 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, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed Medical Doctor with a specialty and board certification in Radiology. The ___ health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors 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 the dispute.

CLINICAL HISTORY

This 41-year-old gentleman was injured in a work-related accident on ___ and has suffered multiple chronic low back and neck complaints since that time. He had a cervical MRI on 8/23/01 that demonstrated "small central disc protrusion at C4/5 and minimal central disc protrusion at C6/7." The cervical cord and nerve roots were normal at all levels. Also there was a follow-up myelo-CT examination on 3/29/02 that demonstrated "very mild degenerative changes in the uncovertebral joint; no evidence of cord or nerve root compromise." In addition, the subarachnoid space around the cord was noted to be preserved and there was no significant foraminal narrowing. Neurological examinations have been normal.

REQUESTED SERVICE

A cervical discogram at C2-C7 is requested for this patient.

DECISION

The reviewer agrees with the prior adverse determination.

BASIS FOR THE DECISION

The second denial reviewer, ___, summarized reasons for denial very well. Discography has not been proven effective in the medical literature. In addition, the degree of disc degeneration shows little correlation with the degree of symptoms (1). Disc injections reproduce patients' clinical pain patterns in only 36% of herniated discs and have low sensitivity (43%) for the diagnosis of herniated discs (2). Discography is also not listed in the American College of Radiology (ACR) Appropriateness Criterion for the evaluation of patients with chronic neck pain (3).

___ has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. ___ has made no determinations regarding benefits available under the injured employee's policy.

As an officer of ___, dba ___, I certify that there is no known conflict between the reviewer, ___ and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

___ is forwarding by mail and, in the case of time sensitive matters by facsimile, a copy of this finding to the treating doctor, payor and/or URA, patient and the TWCC.

Sincerely,

1. Radiologic Clinics of North America 2000; 38(6): 1199
2. ibid 2000; 38(6): 1289
3. ACR Appropriateness Criteria 2000 pp.345-356

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.

In the case of prospective *spinal surgery* decision, a request for a hearing must be made in writing and it must be received by the TWCC Chief Clerk of Proceedings within 10 days of your receipt of this decision. (20 Tex. Admin. Code 142.5(c)).

In the case of other *prospective (preauthorization) medical necessity* disputes 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 a hearing should be sent to: Chief Clerk of Proceedings, Texas Worker's Compensation Commission, P.O. Box 40669, Austin, TX 78704-0012. A copy of this decision should be attached to the request.

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute, per TWCC rule 133.308(t)(2).