

**IRO Certificate #4599**

**NOTICE OF INDEPENDENT REVIEW DECISION**

October 28, 2003

**Re: IRO Case # M2-04-0206-01**

Texas Worker's Compensation Commission:

\_\_\_ has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IROs, TWCC assigned this case to \_\_\_ for an independent review. \_\_\_ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, \_\_\_ received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a physician who is Board Certified in Neurological Surgery, and who has met the requirements for the TWCC Approved Doctor List or who has been granted an exception from the ADL. He or she has signed a certification statement attesting 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 referral to \_\_\_ for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The determination of the \_\_\_ reviewer who reviewed this case, based on the medical records provided, is as follows:

History

The patient is a 57-year-old male who was injured by a rather severe electrical shock in \_\_\_, which led to amputation of his toes. The patient developed neck and upper extremity discomfort. Electrodiagnostic testing indicated carpal tunnel syndrome bilaterally, probably worse on the left side, and a carpal tunnel release of the median nerve was performed on 1/21/02. The patient has had continued discomfort into the left upper extremity with tingling, much as he had before the surgery. A 5/30/03 MRI of the cervical spine showed minimal, probably non-surgical, changes mainly at C4-5 and C5-6. The surgeon noted,

“I must admit that this is not very impressive, but it does obliterate the anterior subarachnoid space.” EMGs on 7/18/03 suggested C4-5 and C7-8 difficulties with “severe conduction changes” of the left median nerve at the wrist.

Requested Service(s)

Cervical discectomy and fusion at C4-5 and C5-6

Decision

I agree with the carrier’s decision to deny the requested multi-level procedure in the cervical spine.

Rationale

In the records provided for this review, there is no physical examination evidence of difficulties at the levels where surgery is proposed. EMG evaluation suggests difficulties at areas primarily adjacent to those proposed areas for fusion. The MRI fails to show anything of a surgical nature that would relate directly to the patient’s symptomatology. There continues to be severe peripheral nerve difficulty in the form of median nerve pathology that probably contributes to the patient’s symptoms, and that would not be cared for by the proposed surgery on the cervical spine.

This medical necessity decision by an Independent Review Organization is deemed to be a Commission decision and order.

**YOUR RIGHT TO REQUEST A HEARING**

Either party to 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) calendar days of your receipt of this decision (28 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) calendar days of your receipt of this decision (28 Tex. Admin. Code 142.5(c)).

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.5(d)). A request for a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings / Appeals Clerk  
P.O. Box 17787  
Austin, Texas 78744  
Fax: 512-804-4011

The party appealing this decision shall deliver a copy of its written request for a hearing to other party involved in this dispute.

Sincerely,

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In accordance with Commission Rule 102.4 (b), I hereby certify that a copy of this Independent Review Organization (IRO) decision was sent to the carrier and the requestor or claimant via facsimile or US Postal Service from the office of the IRO on this 30<sup>th</sup> day of October 2003.