

NOTICE OF INDEPENDENT REVIEW DECISION

December 8, 2003

MDR Tracking #: M2-04-0335-01-SS
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 neurosurgery 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 sustained an injury on ___ while pulling and pushing a beverage cart on an airline flight. She reported cervical and right arm pain. Conservative treatments have included physical therapy, trigger point injections, epidural steroid injections, and narcotic and anti-inflammatory medications. An MRI dated 01/21/03 revealed a broad based bulge at both C5-6 and C6-7 with narrowing of the central canal.

Requested Service(s)

Anterior cervical discectomy with bank bone interbody fusion at C5-6 and C6-7 and instrumentation

Decision

It is determined that the proposed anterior cervical discectomy with bank bone interbody fusion at C5-6 and C6-7 and instrumentation is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

This patient has failed standard, non-surgical management of greater than one-year duration. Symptoms and physical findings fit with radiographic abnormalities of disc protrusion and neural foraminal narrowing at C6-7 bilaterally.

The indication of left sided disc protrusion at C5-6 in the presence of primarily right sided symptoms does not in and of itself preclude including that level in the fusion and doing so is within acceptable practice. Smoking does not preclude proceeding with anterior diskectomy and fusion especially when posterior plating is utilized. Therefore, it is determined that the proposed anterior cervical diskectomy with bank bone interbody fusion at C5-6 and C6-7 and instrumentation is 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** (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 hearing and a **copy of this decision** must be sent to: Chief Clerk of Proceedings/Appeals Clerk, Texas Workers' Compensation Commission, 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 all other parties involved in this dispute.

Sincerely,

<p>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 8th day of December 2003.</p>
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