

December 2, 2003

Re: MDR #: M2-04-0344-01-SS  
IRO Certificate No.: 5055

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 Orthopedic Surgery.

**Clinical History:**

This 32-year-old lady suffered a work-related injury on \_\_\_\_. Consequently, she developed low back pain with bilateral radiation into the back of the hips and down to the back side of her knees.

She had physical therapy and medication, and her symptoms were quite slow to improve. An MRI on 04/01/03 demonstrated small disc herniations at L4-L5 and L5-S1, with small tears in the annulus suspected at both levels. There were also some degenerative changes noted in both of these lumbar discs. Epidural steroid injections were suggested, but not approved by the carrier.

The patient was treated by an Orthopedic Surgeon, but remained symptomatic. Another physician, whose specialty is not stated, evaluated the patient and her x-ray studies. He felt that she should have endoscopic discectomy at L4-L5 and L5-S1.

**Disputed Services:**

Selective endoscopic discectomy.

**Decision:**

The reviewer agrees with the determination of the insurance carrier and is of the opinion that the procedure in dispute is not medically necessary in this case.

**Rationale:**

There is no indication for endoscopic discectomy in this case. The patient has disc degenerative changes with suspected annular tears at each level, L4-L5 and L5-S1. Simply removing the disc endoscopically is not likely to change her symptoms at all.

In addition, there is a possibility that the neural symptoms will be made worse by collapsing the disc space further with endoscopic removal of the disc.

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, MS-48  
7551 Metro Center Dr., Ste. 100  
Austin, TX 78744-1609

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 December 2, 2003

Sincerely,