

December 3, 2003

Re: MDR #: M2-04-0374-01-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 Spinal Surgery.

Clinical History:

This 30-year-old gentleman was injured at work on ____. He presented to his doctors with back pain that has persisted. He also has had pain in his left lower extremity.

An MRI report on 07/02/03 reveals a left far lateral L4-5 herniated disc compressing the L-4 nerve root. An EMG was apparently performed, but not report was provided for review. However, a physician's noted on 09/17/03 states that the patient had an EMG performed showing an acute left L-5 radiculopathy. Discography on 09/12/03 revealed a normal L5-S1 disc. No L4-5 discography was performed.

Disputed Services:

L4-5 Laminectomy, Discectomy & Fusion with Interbody Spaces, Posterolateral Fusion with Iliac Crest Bone and Pedicle Screws.

Decision:

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

Rationale:

There is no objective basis to consider L4-5 as the pain generator without positive concordant discography at that level.

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 3, 2003

Sincerely,