IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

November 21, 2003

Re: IRO Case # M2-04-0378

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 23-year-old female who in ___ developed back and left lower extremity pain secondary to repetitive strenuous activities to her back, with lifting and bending repetitively. Chiropractic manipulation gave only transitory relief. Physical examination on 5/5/03 showed no neurologic deficits, and straight leg raising was negative. A 12/31/02 MRI of the lumbar spine showed some L4-5 bulging without compression evidence, and an L5-S1 central and left 4mm protrusion. There was only questionable S1 nerve root impingement.

Electrodiagnostic testing showed possible L5 nerve rot compression, with only questionable S1 difficulty. CT myelography on 7/8/03 showed six vertebrae, with the L5-6 disk showing the same thing as the MRI, with only a question of S1 nerve root impingement.

Requested Service(s)
Lumbar TLIF

Decision
I agree with the carrier's decision to deny the requested treatment.

Rationale
Regarding the nerve root decompression portion of the proposed operation, nothing in the records provided for this review strongly suggests nerve root compression by surgically correctable pathology. The neurologic examination was normal in this regard, and the tests are not very definite in indicating the presence of nerve root compression, except possibly the electrical test, which shows the potential presence of different nerve root difficulty that is different from the most prominent potential nerve root problem seen in the imaging tests. The MRI specifically stated that there were no lateralizing features to the abnormalities seen, which were not surgically significant. Nothing on any of the test reports provided for this review show an indication for fusion, such as instability on flexion and extension views, or spondylolisthesis on the other tests.

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.

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 24th day of November 2003.