

December 8, 2003

Re: MDR #: M2-04-0399-01
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 Orthopedics.

Clinical History:

This 37-year-old female claimant injured her back in a work-related accident on _____. The records of examinations provided for review vary from a "normal", saying there are no neurological deficits, to stating "strength in right plantar flexors and big toe decreased". This same report, it also states that the patient has decreased sensation in the right lateral foot and posterior leg area.

The patient had an EMG suggestive of a mild chronic S-1 radiculopathy. She has had an MRI, but the report was not provided for review. The patient has had a myelogram that showed extradural disease at L5-S1, consistent with either focal disc protrusion or minimal central disc herniation. The regular myelogram showed mild extradural defect. The operative reports of epidurals were also reviewed.

The psychological report implies that the patient has "a higher level of anxiety and some control issues and anger management difficulties, and these patient's don't routinely do well."

Disputed Services:

L5-S1 decompression and fusion.

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:

The patient has no focal neurologic deficits noted on most of the exams reviewed. The test reports reviewed show no significant impingement of any nerve.

Also, the psychological report implies that the patient would not likely “do well”.

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 8, 2003

Sincerely,