

January 12, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-04-0514-01-SS

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The ___ IRO Certificate Number is 5348. Texas Worker's Compensation Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to ___ for independent review in accordance with this Rule.

___ has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing physician on the ___ external review panel. The reviewer has met the requirements for the ADL of TWCC or has been approved as an exception to the ADL requirement. This physician is board certified in neurosurgery. The ___ physician reviewer signed a statement certifying that no known conflicts of interest exist between this physician and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to ___ for independent review. In addition, the ___ physician reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a 60 year-old male who sustained a work related injury on ___. The patient reported that while at work he was installing some electronics under the dash of a motor vehicle when he began to experience back and leg pain. Initial treatment included physical therapy, exercises and a series of epidural injections. The patient then underwent a L3-L4 and L4-L5 laminectomy. After surgery the patient underwent one epidural steroid injection. On 3/13/03 the patient underwent a lumbar discogram with a CT scan following that indicated L2-L3, L3-L4 and L4-L5 degenerative changes. A recent MRI has been reported to show mild degenerative changes throughout with foraminal stenosis bilaterally at L5-S1. The patient was treated with further physical therapy. Diagnoses for this patient have included recurrent lumbar discopathy and radiculopathy. The patient has also been treated with oral medications.

Requested Services

Bilateral Foraminotomies L5-S1, Posterior Spinal Fusion L2-S1, ICBGF Instrumentation/Andrews Table/C-Arm Cell Saver/SSEP with 5 day inpatient stay.

Decision

The Carrier's denial of authorization for the requested services is upheld.

Rationale/Basis for Decision

The ___ physician reviewer noted that this case concerns a 60 year-old male who sustained a work related injury to his back on ___. The ___ physician reviewer indicated that the patient underwent a positive discogram at the L4-L5 level only.

The ___ physician reviewer noted that the patient had negative discograms at all other levels and that access to the L5-S1 level was not possible. The ___ physician reviewer explained that the patient had nonconcordant pain at the L2-L3 level. The ___ physician reviewer also explained that because the patient had a positive discogram, the chance of a successful outcome with fusion would be minimal. Therefore, the ___ physician consultant concluded that the requested Bilateral Foraminotomies L5-S1, Posterior Spinal Fusion L2-S1, ICBGF Instrumentation/Andrews Table/C-Arm Cell Saver/SSEP with 5 day inpatient stay, is not medically necessary to treat this patient's condition at this time.

This decision 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)** days of your receipt of this decision. (20 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)** days of your receipt of this decision. (28 Tex. Admin. Code 148.3).

This decision is deemed received by you 5 (five) 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/Appeals Clerk
P.O. Box 17787
Austin, TX 78744
Fax: 512-804-4011

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. (Commission Rule 133.308(t)(2)).

Sincerely,

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 12th day of January 2004.