

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

January 29, 2004

Re: IRO Case # M2-04-0626

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 39-year-old female who developed back pain in ___ when she lifted a 30-pound case. The patient had a history of lumbar back problems requiring diskectomy at the L5-S1 level in the 1990s. The patient underwent physical therapy, epidural steroid injections and considerable medication without benefit. She also had IDET at two levels without help. Discographic evaluation on 8/12/03 showed concordant pain at L5-S1 and L4-5.

Lumbar spine films, including flexion and extension views, have not shown distinct instability, but do show changes that could be compatible with pain production.

Requested Service(s)

Pro Disc Surgery

Decision

I disagree with the carrier's decision to deny the requested surgery.

Rationale

The patient's pain continued despite considerable non-operative therapeutic measures. While there is no evidence of instability at the L4-5 and L5-S1 joints, there are changes compatible with movement that could be producing the discomfort, and the proposed procedure may be helpful in dealing with that. The patient has apparently agreed to enter a randomized study evaluating the use of prosthetic disks. While performing the surgery at two levels may be debatable, there are reports in Swedish literature that indicate that it has been successful, and without greater incidence of complications than a single level prosthetic disk.

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 30th day of January 2004.