

NOTICE OF INDEPENDENT REVIEW DECISION

Date: February 18, 2004

RE: MDR Tracking #: M2-04-0647-01
IRO Certificate #: 5242

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by an orthopedic reviewer (who is board certified in orthopedic surgery) who has an ADL certification. The physician reviewer has signed a certification statement stating 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 the referral to for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

The claimant has a history of chronic low back pain allegedly related to a work compensable injury on ___. Clinical note dated 10/10/03 documents radiographic evidence of solid fusion at L4 through S1, auto fusion from L2 to L3, transitional space at L3-4.

Requested Service(s)

Purchase of thoraco lumbar sacral orthosis brace.

Decision

I agree with the insurance carrier that the requested intervention is not medically necessary.

Rationale/Basis for Decision

Generally a rigid thoraco-lumbar-sacral orthosis (TLSO) is indicated in the presence of documented clinical instability of the lumbar spine or in perioperative conditions immediately following fusion for instability or scoliosis conditions. Upon review of all information provided there is no documentation of instability at any lumbar motion segment level to indicate the medical necessity of a rigid orthosis in this clinical setting. There is no documentation of exhaustion of conservative measures of treatment including but not limited to oral non-steroidal and steroidal anti-inflammatory medication, conventional lumbar bracing (off the shelf), and PT (dynamic stabilization/McKenzie). There is no documentation that additional surgical intervention is under active consideration. Documentation does not support the medical necessity of a TLSO brace.

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) 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.