

## NOTICE OF INDEPENDENT REVIEW DETERMINATION

MDR Tracking Number: M2-04-0688-01  
IRO Certificate Number: 5259

January 29, 2004

An independent review of the above-referenced case has been completed by a neurosurgeon medical physician. The appropriateness of setting and medical necessity of proposed or rendered services is determined by the application of medical screening criteria published by \_\_\_\_, or by the application of medical screening criteria and protocols formally established by practicing physicians. All available clinical information, the medical necessity guidelines and the special circumstances of said case was considered in making the determination.

The independent review determination and reasons for the determination, including the clinical basis for the determination, is as follows:

See Attached Physician Determination

\_\_\_ hereby certifies that the reviewing physician is on Texas Workers' Compensation Commission Approved Doctor List (ADL). Additionally, said physician has certified that no known conflicts of interest exist between him and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for determination prior to referral to \_\_\_.

### CLINICAL HISTORY

The patient is a 42-year-old female who was injured on the job \_\_\_ at which time she fell from a chair with acute onset back pain. She has been noted to be neurologically intact with the exception of some diminished sensation in the L5 distribution. EMG 10/1/02 showed chronic R S1 radiculopathy. MRI 3/24/03 showed disc bulges at L4-5 and L5-S1 with bilateral foraminal stenosis at L4-5. She failed conservative therapy. Discography 7/31/03 revealed concordant pain at L4-5 and L5-S1 with a negative control at L3-4. Post-discography CT showed fissures at all levels with no extension to the annular margin at L3-4. A lumbar fusion was recommended.

### REQUESTED SERVICE (S)

360° fusion L4-5, L5-S1.

### DECISION

Anterior/posterior fusion at L4-5, L5-S1 is recommended as a treatment option.

### RATIONALE/BASIS FOR DECISION

Discogenic pain is well recognized as a cause of back pain in the medical community.

Discography is a controversial physiological test to identify painful discs but is well accepted as the only modality to identify painful discs, which correlate with imaging findings on MRI. This patient has signs of degenerative disc disease by MRI at L4-5, and L5-S1. She has concordant pain by discography at those levels with a negative control at L3-4. Given the fact that she has failed conservative treatment, she would be a good candidate for fusion.

### **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 (20 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 **20** (twenty) calendar 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 or the date of fax (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings/Appeals Clerk  
Texas Workers' Compensation Commission  
P.O. Box 17787  
Austin, Texas 78744

Or fax the request to (512) 804-4011. A copy of this decision must be attached to the request.

The party appealing the decision shall deliver a copy of its written request for a hearing to the opposing party involved in the dispute.

In accordance with Commission Rule 102.4(h), 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 30<sup>th</sup> day of January 2004.