

March 23, 2004

Re: MDR #: M2-04-0738-01-SS
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.

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.

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 Orthopaedic Surgery and is on the TWCC Approved Doctor List.

REVIEWER'S REPORT

Information Provided for Review:

Correspondence
H&P and office notes
Physical Therapy reports
EMG/NCV Test report
Operative report
Radiology report

Clinical History:

The examinee is an approximate 56-year-old male who injured his back on ____. He did not respond to surgical treatment and underwent another extensive surgical treatment on 09/20/02. Apparently he failed to respond and after surgery was diagnosed with failed back syndrome. Additional surgery is being contemplated.

Disputed Services:

Request for and denial due to lack of medical necessity of lumbar laminectomy at L3-4, L4-5 and possibly L5-S1.

Decision:

The reviewer agrees with the determination of the insurance carrier in this case. The services in question are not medically necessary.

Rationale:

The records available for review relative to the requesting surgeon are limited to the operative notes of 09/20/02, and there are no additional progress notes and nothing to

indicate the need for additional surgery other than the notes from the designated doctor stating that the patient was in a failed back syndrome until symptomatic, and he commented that, "I doubt that anything else would help in this particular situation." In any event, there are no records to support the request for additional surgery.

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 March 23, 2004.

Sincerely,