

## NOTICE OF INDEPENDENT REVIEW DETERMINATION

MDR Tracking Number: M2-04-0764-01

IRO Certificate No.: 5259

February 24, 2004

An independent review of the above-referenced case has been completed by a chiropractic doctor. 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

Patient is a 42-year-old male truck driver who was injured on \_\_\_ when he threw a heavy chain over a load on his truck and then felt a sudden pop in his lower back. Prior to this injury, he underwent a left laminectomy at L3-4 and L4-5 with reported excellent post-operative results. This injury affected the right side of his discs at L3-4 and L4-5 that eventually resulted in discectomy in June of 2002, and due to continued instability, an eventual fusion at L3-4 and L4-5 in July of 2002. Despite these aggressive procedures, the patient continues to have significant symptoms and disability.

### REQUESTED SERVICE (S)

The prospective medical necessity of a lumbar discogram with CT scan at L2-3 and L5-S1.

### DECISION

Approved.

### RATIONALE/BASIS FOR DECISION

The treating doctor and the referral doctor, \_\_\_ both agree and the designated doctor, \_\_\_ does not disagree that this is a necessary procedure to proceed with the management of this patient. In fact, the only person that does not believe the discogram should be performed is the insurance carrier's "physician advisor" who performed only a paper review and did not examine the patient.

Therefore, the preponderance of evidence from the three aforementioned doctors supports the medical necessity of this procedure.

#### 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 25<sup>th</sup> day of February 2004.