

NOTICE OF INDEPENDENT REVIEW DECISION

March 17, 2004

MDR Tracking #: M2-04-0803-01-SS
IRO Certificate #: IRO4326

The ___ 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 a ___ physician reviewer who is board certified in orthopedic surgery which is the same specialty as the treating physician. 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

This patient sustained an injury on ___ while lifting a 70-pound roll of wire. An MRI performed on 01/28/03 revealed a disc herniation at L5-S1 causing marked deformity on the thecal sac. He has undergone various local injections for pain control along with pain and muscle relaxant medications.

Requested Service(s)

Selective endoscopic diskectomy at L5-S1 and lumbar decompression and fusion

Decision

It is determined that the proposed selective endoscopic diskectomy at L5-S1 and lumbar decompression and fusion is not medically necessary to treat this patient's condition?

Rationale/Basis for Decision

This patient has a 13-month history of left back and leg pain. He has had extensive work up including MRI, discogram, and electromyography and nerve conduction velocity studies. He has had chiropractic manipulations for several months. This patient has been recommended for surgery on disc L4-5 and L5-S1 with a fusion of L5-S1.

The fusion is apparently for loss of height at L5-S1 as no evidence of instability or degenerative changes of the facet joints are noted.

This patient now has a greater than one year history of pain in the leg and back so that complete resolution should not be expected. However, he has evidence of disc disease and neurological impingement.

It is medically indicated that this patient should have a diskectomy at L4-5 and L5-S1 with removal of the herniated fragments. However, there is no medical necessity at present for the proposed fusion, which will increase the surgical damage and not significantly improve the end result. Therefore, it is determined that the proposed selective endoscopic diskectomy at L5-S1 and lumbar decompression and fusion is not medically necessary.

This decision by the IRO is deemed to be a TWCC decision and order.

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 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, Fax: 512-804-4011.

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in this dispute.

Sincerely,

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 17th day of May 2004.