

NOTICE OF INDEPENDENT REVIEW DECISION

April 7, 2004

MDR Tracking #: M2-04-0879-01-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 rack of chickens. She reported left back pain radiating into her left lower extremities, spasms, and numbness. An MRI dated 10/01/02 revealed disc protrusion at L4-5 impinging on the thecal sac and a large disc herniation with extruded disc fragment at L5-S1 completely compressing the S1 nerve root on the left. Conservative treatments have included lumbar epidural steroid injections, physical therapy, and medications.

Requested Service(s)

Lumbar decompression and fusion

Decision

It is determined that the lumbar decompression and fusion is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

The documentation provided supports the proposed decompression and fusion procedures recommended. The patient has had back and left lower extremity symptoms for approximately nineteen months. The lumbar MRI showed a large extruded disc herniation at L5-S1 on the left side compressing the left S1 nerve root.

Despite treatment including medications, physical therapy, and steroid spinal injections, the patient symptoms continue. The patient has lost significant time away from work because of related symptoms. The documentation provided supports the performance of the proposed decompression and fusion; agree with the attending surgeon's proposals for surgery. Also agree with the recommendation that an effort should be made to have the patient lose weight.

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,

<p>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 7th day of April 2004.</p>
