

March 26, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-04-0915-01

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The ___ IRO Certificate Number is 5348. Texas Worker's Compensation Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to ___ for independent review in accordance with this Rule.

___ has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing physician on the ___ external review panel. The reviewer has met the requirements for the ADL of TWCC or has been approved as an exception to the ADL requirement. This physician is board certified in neurosurgery. The ___ physician reviewer signed a statement certifying that no known conflicts of interest exist between this physician and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to ___ for independent review. In addition, the ___ physician reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a male who sustained a work related injury on ___. An MRI of the cervical spine dated 9/28/95 showed findings consistent with a prior anterior interbody fusion at C5-6, and a minimal 1mm purely central protrusions were noted at the C4-5 and C6-7 levels without lateralizing findings or evidence of stenosis. A CT myelogram of the cervical spine dated 6/10/99 indicated narrow AP diameter of the thecal sac from C3-C7 secondary to congenitally short pedicles. A CT myelogram dated 5/7/02 indicated foraminal stenosis to the left at C3-4. A chart note dated 12/15/03 indicated that the patient continues with severe chronic lower cervical pain with bilateral radicular pain into the arms, particularly in the long fingers, with numbness and dysesthesia in the C7 dermatome and some weakness in the triceps. It also indicated that the patient has significant disease at C6-7. It further indicated that the patient has been treated with all forms of conservative therapy and that a anterior discectomy, interbody fusion and plating at C6-7 was recommended.

Requested Services

Discectomy, anterior, with decompression cord/root, cervical, sing.

Decision

The Carrier's denial of authorization for the requested services is upheld.

Rationale/Basis for Decision

The ___ physician reviewer noted that this case concerns a male who sustained a work related injury to his back on ___.

The ___ physician reviewer also noted that the patient is status post an anterior interbody fusion at the C5-6 level. The ___ physician reviewer further noted that an interbody fusion and plating at C6-7 is recommended for further treatment of this patient's condition. The ___ physician reviewer explained that the documents provided do not show that the patient has evidence of spinal cord compression or foraminal encroachment. The ___ physician reviewer explained that there is no rational to support the medical necessity of the requested procedure without evidence of spinal cord compression or foraminal encroachment. Therefore, the ___ physician consultant concluded that the requested discectomy, anterior, with decompression cord/root, cervical, sing is not medically necessary to treat this patient's condition at this time.

This decision 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)** days of your receipt of this decision. (20 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)** 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. (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings/Appeals Clerk
P.O. Box 17787
Austin, TX 78744
Fax: 512-804-4011

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. (Commission Rule 133.308(t)(2))

Sincerely,

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 26th day of March 2004.