

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

May 5, 2004

Re: IRO Case # M2-04-0951

Texas Worker's Compensation Commission:

___ has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule 133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IROs, TWCC assigned this case to ___ for an independent review. ___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, ___ received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a physician who is Board Certified in Neurological Surgery, and who has met the requirements for the TWCC Approved Doctor List or who has been granted an exception from the ADL. He or she has signed a certification statement attesting 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 referral to ___ for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The determination of the ___ reviewer who reviewed this case, based on the medical records provided, is as follows:

Medical Information Reviewed

1. Table of disputed services
2. Denial letters 1/9/04, 2/17/04
3. MRI cervical spine 4/25/01
4. M.D. letter 2/25/04, 9/11/03
5. Operative report facet blocks 1/21/04
6. M.D. letter 1/8/04
7. M.D. report 12/11/03
8. Procedure report pulsed dorsal rhizotomies 9/27/03
9. Bound medical records and peer reviews from carrier 1999-2004

History

The patient is a 53-year-old female who was injured in ___ and developed pain in her left shoulder, neck and low back. Left shoulder surgery was performed in 1995, and an anterior cervical discectomy and fusion was performed in 1997. The patient's back became her primary discomfort. In 1998 a "360 degree" fusion was performed at the L3-4 and L4-5 levels. Subsequently, the patient developed pain in her lower extremities, primarily on the left side, with changes in her skin suggestive of RSD. Sympathectomy has not been significantly helpful. The patient has had facet injections and rhizotomies with significant help, but the relief has now subsided.

Requested Service(s)

Left L3-4-5 pulsed dorsal root rhizotomies

Decision

I disagree with the carrier's decision to deny the proposed rhizotomies.

Rationale

Facet blocks have worked, and rhizotomy in the past has given the patient significant relief. Based on the facet blocks being helpful, rhizotomy is indicated to probably provide longer lasting relief.

This medical necessity decision by an Independent Review Organization is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to 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 a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings / Appeals Clerk
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 other party involved in this dispute.

Sincerely,

In accordance with Commission Rule 102.4 (b), I hereby certify that a copy of this Independent Review Organization (IRO) decision was sent to the carrier and the requestor or claimant via facsimile or US Postal Service from the office of the IRO on this 6th day of May 2004.