

May 25, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-04-0958-01-SS

___ 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 and is familiar with the condition and treatment options at issue in this appeal. 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 48 year-old male who sustained a work related injury on ___. The patient underwent a cervical fusion from C3 to the C6 level on 3/28/01. The patient continued with complaints of neck pain. The patient underwent a MRI of the cervical spine on 8/22/03 that was reported to show slight bulging a C2-3, and some narrowing at C4-5 and C5-6. A discogram performed on 12/10/03 was reported to have shown concordant pain at C2-3 and C6-7. The patient followed up with the treating neurosurgeon and was recommended for surgery.

Requested Services

Eplantation of Anterior Cervical Instrumentation @ C3-6 with C2-3 and C6-7 Anterior Cervical Discectomy and Fusion with Slim loc Plating and VG2 Allograft

Documents and/or information used by the reviewer to reach a decision:

Documents Submitted by Requestor:

1. Letter 3/6/04

Documents Submitted by Respondent:

1. Notice of Pre-Authorization 1/30/04

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 48 year-old male who sustained a work related injury to his cervical spine on ____. The ___ physician reviewer indicated that the patient is status post anterior cervical fusion at the C3-C6 levels. The ___ physician reviewer noted that a discogram performed on 12/10/03 was positive at the C3-C6 levels. The ___ physician reviewer explained that although the discography was positive, there is no documented correlative neurological deficits to indicate the need of a re-do fusion with extension of instrumentation/fusion. Therefore, the ___ physician consultant concluded that the requested Explantation of Anterior Cervical Instrumentation @ C3-6 with C2-3 and C6-7 Anterior Cervical Discectomy and Fusion with Slim-Loc Plating and VG2 Allograft 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 25th day of May 2004.