

**IRO Certificate #4599**

**NOTICE OF INDEPENDENT REVIEW DECISION**

May 31, 2004

**Re: IRO Case # M2-04-0979**

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, Rule133.308 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
3. Report of medical record review 3/11/03, and addendum 4/1/03
4. Appeal letter 1/22/04
5. Surgeon's notes 2004

History

The patient slipped and fell and developed back pain in \_\_\_. He was treated with physical therapy and injections without relief, and a discogram on 8/15/97 was thought by the surgeon to show probable trouble at L5-S1. There was some debate between the radiologist and the surgeon as to the results of that test.

After the discogram, in 1997, a posterior interbody fusion was performed at L5-S1. The patient continued to have intermittent discomfort in various areas of his body, including the thoracic spine, the cervical spine and upper extremities, low back and lower extremities. He has had transient relief from facet injections. He continues on various medications that apparently relieve his pain to the point that he can continue to work. In the past several months he has developed increasing discomfort into the right lower extremity, but he also continues with intermittent discomfort in various areas of his body.

Requested Service(s)

Lumbar epidural steroid injection under fluoroscopy with epidurogram

Decision

I agree with the carrier's decision to deny the requested injection at this time.

Rationale

With chronic multi-area pain syndrome and with a diagnosis of fibromyalgia, it is doubtful that an epidural steroid injection directed at one area of discomfort would be significantly beneficial. However, if the patient's lower extremity discomfort becomes the primary discomfort that interferes with his work and requires pain medication, and this persists for several weeks, then a lumbar epidural steroid injection should be seriously considered. Based on the records provided for this review, this is not the patient's present circumstance. Of course, before an epidural steroid injection is pursued, a more thorough recent work up looking for a source of nerve root compression would be indicated.

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 1<sup>st</sup> day of June 2004.