

August 25, 2004

## NOTICE OF INDEPENDENT REVIEW DECISION

**RE: MDR Tracking #: M2-04-1050-01-SS**  
**IRO #: 5348**

\_\_\_ 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 orthopedic surgery 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 26 year-old female who sustained a work related injury on \_\_\_. The patient reported that while at work she slipped and twisted her back. A MRI performed on 7/26/02 indicated a small L5-S1 central disc protrusion slightly asymmetric to the left but not displacing the S1 nerve roots. A discogram performed on 12/2/03 revealed positive, provocative discogram at L5-S1 with concordant low back pain and a negative dicogram at the L3-4 and L4-5 levels. The diagnoses for this patient have included lumbar internal disc derangement, lumbar radiculopathy, and lumbago. Treatment for this patient's condition has included therapy, reconditioning program, back stabilization program, and medications. An L5-S1 lumbar selective endoscopic discectomy and annuloplasty is being recommended for further treatment of this patient's condition.

### Requested Services

L5-S1 lumbar selective endoscopic discectomy and annuloplasty.

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

*Documents Submitted by Requestor:*

1. MRI report 7/26/02
2. Discogram report 12/2/03
3. Office notes 5/2/03 – 3/3/04

*Documents Submitted by Respondent:*

1. No documents submitted

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 26 year-old female who sustained a work related injury to her back on \_\_\_. The \_\_\_ physician reviewer also noted that the diagnoses for this patient have included lumbar internal disc derangement, lumbar radiculopathy, and lumbago. The \_\_\_ physician reviewer further noted that an L5-S1 lumbar selective endoscopic discectomy and annuloplasty is being recommended for further treatment of this patient's condition. The \_\_\_ physician reviewer indicated that the requested procedure is not likely to improve this patient's condition. The \_\_\_ physician reviewer explained that the patient does not have radiculopathy secondary to the herniated disc. The \_\_\_ physician reviewer indicated that there is no class I data to support its use for this patient's condition. Therefore, the \_\_\_ physician consultant concluded that the requested L5-S1 lumbar selective endoscopic discectomy and annuloplasty 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 25<sup>th</sup> day of August 2004.