

NOTICE OF INDEPENDENT REVIEW DECISION

April 23, 2004

MDR Tracking #: M2-04-1054-01-SS
IRO Certificate #: IRO4326

The ___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ___ physician reviewer who is board certified in neurosurgery which is the same specialty as the treating physician. The ___ physician reviewer has signed a certification statement stating 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 the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This 43 year old male was hit from behind in his car while waiting at a stoplight on ____. He experienced pain in the lower back with radiation to the right leg. On 04/12/03, he underwent an anterior cervical discectomy at the C3-C4 level. On 10/15/03, the MRI of the lumbar spine showed a "6 mm posterolateral and subarticular disc protrusion to the right at L4-L5 impinging on the L5 nerve root" and the MRI of the dorsal spine revealed "diffuse disc desiccation without focal disc pathology or significant canal or foraminal stenosis." The treatment plan included oral pain medications, epidural steroid injections and aquatic therapy.

Requested Service(s)

Lumbar laminectomy and discectomy

Decision

It is determined that the lumbar laminectomy and discectomy are medically necessary.

Rationale/Basis for Decision

The patient has lumbar radiculopathy documented by several medical records, i.e. the 12/05/03 epidural steroid injection report, the 11/19/03 history and physical examination report and the 11/18/03 clinic note.

The patient has also failed conservative care and has positive pathology on the lumbar MRI result. Therefore, the lumbar laminectomy and diskectomy are medically necessary.

This decision by the IRO 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) 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 hearing and a **copy of this decision** must be sent to: Chief Clerk of Proceedings/Appeals Clerk, Texas Workers' Compensation Commission, 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 all other parties involved in this dispute.

Sincerely,

In accordance with Commission Rule 102.4 (h), 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 23 rd day of April 2004.
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