

May 7, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

MDR Tracking #: M2-04-1137-01-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 32 year-old male who sustained a work related injury on ___. The patient reported that while at work, a refrigerator fell on the back of his neck. The patient reported that he has continued pain in the neck and numbness along the middle three fingers of the left hand. A CT scan report of the cervical spine dated 10/13/03 indicated posterior spurring at the C6 level effacing the anterior thecal sac, appearing to touch the anterior surface of the cervical spinal cord, and evidence of a previous discectomy and fusion at the C3-4, C4-5, C5-6, and C6-7 levels. The patient underwent a EMG on 7/30/02 that indicated evidence of minimal denervations in the left triceps and brachioradialis. The patient underwent a second EMG on 4/7/03 that indicated evidence of minimal but chronic denervations in the left lower cervical paraspinous, triceps, and brachioradialis muscles suggesting the possible presence of mild but chronic C7 fibrosis on the left side, and that the rest of the electromyography and nerve conduction studies were considered to be within normal variation. On 9/4/01 the patient underwent an anterior cervical discectomy and fusion at C3-6 for the diagnosis of herniated nucleus pulposus C3-C6. On 1/14/03 the patient is underwent an anterior cervical discectomy and fusion at C6-7 with plating and removal of hardware cervical spine on 1/14/03. The patient has been referred for a C6 Carpectomy.

Requested Services

C-6 Carpectomy.

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

Documents Submitted by Requestor:

1. MRI report 4/8/03, 1/29/04
2. EMG/NCV
3. Office notes (____) 7/30/03 through 2/4/04
4. Soap notes/progress notes 3/21/03 through 10/6/03
5. Operative note 10/30/03
6. Designated Doctor evaluation 10/3/03 ____

Documents Submitted by Respondent:

1. Peer review 4/23/03, 5/25/03
2. MRI report 4/8/03, 3/17/03
3. Physical therapy notes 2/12/03 – 3/13/03
4. Soap notes 3/27/03 through 12/16/03
5. Office notes (____) 7/30/03

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 32 year-old male who sustained a work related injury to her back and neck on _____. The ____ physician reviewer also noted that the patient underwent an anterior cervical discectomy and fusion at C3-6 for the diagnosis of herniated nucleus pulposus on 9/4/01. The ____ physician reviewer further noted that the patient underwent an anterior cervical discectomy and fusion at C6-7 with plating and removal of hardware cervical spine on 1/14/03, and has been recommended for a C6 Carpectomy. The ____ physician reviewer explained that there is no established necessity for the proposed surgery. The ____ physician reviewer also explained that there is no nerve root or spinal cord impingement requiring the proposed surgery. Therefore, the ____ physician consultant concluded that the requested C6 Carpectomy 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 7th day of May 2004.