

May 21, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

MDR Tracking #: M2-04-1223-01

___ 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 neurology 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 male who sustained a work related injury on ___. The patient is status post a lumbar fusion at the L5-S1 level performed on 2/21/02. The diagnoses for this patient have included chronic left lumbar radiculopathy, L5, and status post L5-S1 decompression and fusion. A CT scan of the lumbar spine was performed on 3/5/04. Lumbosacral x-rays were performed on 3/5/04 as well. The patient has continued complaints of low back and leg pain. He has been referred for a repeat EMG/NCV. Current treatment for this patient's condition has included a Duragesic patch, Carisoprodol, Zonogran, and Trazadone, and a home exercise program.

Requested Services

EMG/NCV: lower extremities.

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

Documents Submitted by Requestor:

1. Letter of Medical Necessity 3/21/04
2. Follow up note 4/22/04, 3/9/04
3. CT scan and x-rays of the lumbosacral spine reports 3/5/04

Documents Submitted by Respondent:

Physician advisor referral forms (dates unclear)

Decision

The Carrier's denial of authorization for the requested services is overturned.

Rationale/Basis for Decision

The ___ physician reviewer noted that this case concerns a male who sustained a work related injury to his back on ___. The ___ physician reviewer also noted that the diagnoses for this patient have included chronic left lumbar radiculopathy, L5, and status post L5-S1 decompression and fusion. The ___ physician reviewer further noted that treatment for this patient's condition has included a Duragesic patch, Carisoprodol, Zonogran, and Trazadone and a home exercise program. The ___ physician reviewer indicated that the patient's condition has worsened since 11/03 as indicated by increased weakness, paresthesias in legs. The ___ physician reviewer noted that the patient's radicular pain had increased, however had improved with the use of Duragesic patches. The ___ physician reviewer explained that the patient has increased radicular symptoms more than one year after the fusion was performed. The ___ physician reviewer also explained that an EMG/NCV would help determine if any acute pathology is present in this patient's condition. Therefore, the ___ physician consultant concluded that the requested EMG/NCV lower extremities, is 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 21st day of May 2004.