

June 22, 2004

## NOTICE OF INDEPENDENT REVIEW DECISION

### MDR Tracking #: M2-04-1334-01

\_\_\_ 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 female who sustained a work related injury on \_\_\_. The diagnoses for this patient have included lumbar spondylosis and lumbar facet syndrome. Treatment for this patient's condition has included physical therapy and facet joint injections. On 4/16/03 and 7/25/03 the patient underwent lumbar medial branch blocks at the L2, L3, L4 and L5 levels. The patient is being referred for a discogram and EMG/NCV studies.

#### Requested Services

Discogram and EMG/NCV.

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

##### *Documents Submitted by Requestor.*

1. Office notes 2/10/03 – 1/22/04
2. Consultation 3/18/03
3. X-Ray reports 4/16/03 and 7/25/03
4. Operative note 4/16/03 and 7/25/03

##### *Documents Submitted by Respondent:*

1. No medical records submitted

#### Decision

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

Rationale/Basis for Decision

The \_\_\_ physician reviewer noted that this case concerns a female who sustained a work related injury to her back on \_\_\_. The \_\_\_ physician reviewer indicated that the patient has neck pain, right elbow pain, back pain and pain in the right 1-3 digits. The \_\_\_ physician reviewer noted that a MRI performed in 2001 showed C4-6 degenerative joint disease with a 8mm canal centrally. The \_\_\_ physician reviewer explained that there is no evidence that the patient had a thorough neurological exam for myelopathy/radiculopathy/compressive neuropathies. The \_\_\_ physician reviewer also explained that the patient could have a possible reinjury to the cervical spine. However, the \_\_\_ physician reviewer further explained that discograms are of questionable value in diagnosing myelopathy/radiculopathy/compressive neuropathies. Therefore, the \_\_\_ physician consultant concluded that the requested EMG/NCV is medically necessary to treat this patient's condition at this time. The \_\_\_ physician consultant further concluded that the requested discogram 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 22<sup>nd</sup> day of June 2004.