

**IRO Certificate #4599**

**NOTICE OF INDEPENDENT REVIEW DECISION**

July 8, 2004

**Re: IRO Case # M2-04-1425**

Texas Worker's Compensation Commission:

\_\_\_ has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IROs, TWCC assigned this case to \_\_\_ for an independent review. \_\_\_ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, \_\_\_ received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a physician who is Board Certified in Neurological Surgery, and who has met the requirements for the TWCC Approved Doctor List or who has been granted an exception from the ADL. He or she has signed a certification statement attesting 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 referral to \_\_\_ for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The determination of the \_\_\_ reviewer who reviewed this case, based on the medical records provided, is as follows:

Medical Information Reviewed

1. Table of disputed services
2. Denial letters
3. Request for reconsideration 1/26/04, DDE report 8/28/02
4. Medical record reviews
5. Report x-ray lumbar spine 2/13/02
6. Report MRI lumbar spine 3/8/02
7. Report EMG 10/7/02
8. Medical report 9/18/03

9. D.C. reports
10. Pain clinic notes
11. Summary 2/25/04

### History

The patient is a 33-year-old male who on \_\_\_ was twisting on scaffolding and injured his back. Chiropractic treatment and medications did not relieve his pain. An MRI on 3/8/02 showed what was described as an L5-S1 6mm disk rupture. There was some question on later interpretation of this being an L5-6 disk rupture. More physical therapy was pursued without significant benefit. A 10/7/02 EMG showed radiculopathy bilaterally at the L5-S1 level. Epidural steroid injections were recommended, but the records provided do not indicate whether they were carried out. Discography was considered, and apparently performed, but no records were provided regarding the discogram. The records indicate some confusion regarding the exact level of the pathology involved.

### Requested Service(s)

Lumbar spine surgery L4-S1 – decompression, arthrodesis, instrumentation & graft

### Decision

I agree with the carrier's decision to deny the requested procedure.

### Rationale

The 2/13/02 x-rays indicate pseudoarthrosis being present, but records were not provided regarding this being a possibility secondary to fusion before the \_\_\_ injury. There is enough confusion regarding the pathology and the level of pathology that a fresh, independent evaluation of the patient's circumstances by physicians who are not connected to those who previously evaluated the problem is indicated before any major procedure is pursued.

This medical necessity decision by an Independent Review Organization is deemed to be a Commission decision and order.

## **YOUR RIGHT TO REQUEST A HEARING**

Either party to 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 a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings / Appeals Clerk  
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 other party involved in this dispute.

Sincerely,

In accordance with Commission Rule 102.4 (b), I hereby certify that a copy of this Independent Review Organization (IRO) decision was sent to the carrier and the requestor or claimant via facsimile or US Postal Service from the office of the IRO on this 9<sup>th</sup> day of July 2004.