

September 16, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

**RE: MDR Tracking #: M2-04-1562-01
IRO Certificate #: 5348**

___ 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 40 year-old male who sustained a work related injury on ___. The patient reported that while at work he injured his back while pulling barrels that weighed approximately 200 pounds. A MRI of the lumbar spine performed on 1/6/04 was reported to have shown right sided posterolateral protrusion at the L3-4 level abutting the L4 nerve root on the right side, a posterolateral annular tear at L4-5 and L5-S1, a 2mm right sided disc protrusion abutting the exiting right S1 nerve root. The diagnoses for this patient have included lumbar HNP at L3-4 an L5-S1, lumbosacral radiculopathy, right lower extremity pain, lumbar back pain, possible right sacroiliac pain, and possible lumbar discogenic pain. The patient underwent an EMG/NCV on 4/6/04 that showed no evidence of radiculopathy in the lower extremities. The patient has been recommended for a three level discogram.

Requested Services

Three level lumbar provocative discogram of the L3-L4, L4-L5, L5-S1 Discogram times 3 levels, CPT code 62290 times 3 levels, fluro times 3 levels, CPT code 72295 times 3 levles, sedation CPT code 99141, supplies over \$500.

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

Documents Submitted by Requestor:

1. Initial H7P 2/4/04
2. MRI report 1/6/04
3. Office note 4/29/04
4. EMG/NCV report 4/6/04

Documents Submitted by Respondent:

1. No documents submitted

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 40 year-old male who sustained a work related injury to his back on ___. The ___ physician reviewer also noted that the diagnoses for this patient have included lumbar herniated nucleus pulposus at the L3-4 and L5-S1, lumbosacral radiculopathy, right lower extremity pain, lumbar back pain, possible right sacroiliac pain, and possible lumbar discogenic pain. The ___ physician reviewer further noted that the patient has been recommended for a three level discogram. The ___ physician reviewer explained that a nonfocal neurological exam, equivocal pathology on MRI and a negative EMG/NCV do not support the need of the requested three level discogram. The ___ physician reviewer also explained that there is no clear rationale proposed for the requested discography. Therefore, the ___ physician consultant concluded that the requested three level lumbar provocative discogram of the L3-L4, L4-L5, L5-S1 Discogram times 3 levels, CPT code 62290 times 3 levels, fluro times 3 levels, CPT code 72295 times 3 levels, sedation CPT code 99141, supplies over \$500 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 16th day of September 2004.