

Envoy Medical Systems, LP
1726 Cricket Hollow
Austin, Texas 78758
Fax 512/491-5145

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

February 7, 2005

Re: IRO Case # M2-05-0447-01

Texas Worker's Compensation Commission:

Envoy Medical Systems, LP (Envoy) 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, Rule 133.308 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 Envoy for an independent review. Envoy has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, Envoy 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 Anesthesiology and Pain Management, 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 Envoy 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 Envoy 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. RME 6/17/04 Dr. Drazner
4. Letters 11/5/04, 9/10/02, 7/16/02 Dr. Potter
5. Pain management notes 2004 dr. potter
6. Operative report 8/3/04
7. psychological screening 6/10/04 Dr. Horvat

History

The patient is a 46-year-old female who is status post sacral fracture. She underwent an open reduction and internal fixation procedure in March 2000. The patient has had little in the way of objective findings, and she has not responded well to multiple modalities. The patient had a positive spinal cord stimulator trial.

Requested Service(s)

Implantation of a pulse generator and spinal cord stimulator

Decision

I disagree with the carrier's decision to deny the requested implantation.

Rationale

There is some evidence that there may be drug seeking behavior and amplification of the patient's pain experience. The pain is rated at 10/10, which is unrealistic. Previous injections and surgeries have not helped. These factors point to the possibility that psychological factors are playing a major role in the patient's pain experience. The psychological evaluation was cursory, and no objective instruments were utilized. A thorough psychological evaluation should have been performed before the spinal cord stimulator trial was approved. Since the trial was approved, the criteria for permanent implant should be followed, and the standard criteria for permanent implant have been met.

It would still be advisable to perform a thorough psychological evaluation using MMP1-2 and other pain-related instruments prior to proceeding with the permanent implant.

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,

Daniel Y. Chin, for GP

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 9th day of February 2005.

Signature of IRO Representative:

Printed Name of IRO Representative: Alice McCutcheon

Requestor: Dr. Ryan N. Potter, Attn May De Los Santos, Fx 361-882-5414

Respondent: General Ins. Co., Attn Terry L. Wright Fx 888-268-8840

Texas Workers Compensation Commission Fx 804-4871 Attn: