



# Texas Medical Foundation

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**THIS DECISION HAS BEEN APPEALED. THE FOLLOWING IS THE RELATED SOAH DECISION NUMBER:**

**SOAH DOCKET NO. 453-05-4447.M2**

## NOTICE OF INDEPENDENT REVIEW DECISION

January 25, 2005

### Requestor

Dr. A, MD  
ATTN: \_\_\_\_  
1401 E. Ridge Rd., Ste C  
McAllen, TX 78503

### Respondent

\_\_\_\_, PC  
ATTN: \_\_\_\_  
2001 Bryan St., Ste 4000  
Dallas, TX 75201

RE: Injured Worker:  
MDR Tracking #: M2-05-0455-01  
IRO Certificate #: IRO4326

The Texas Medical Foundation (TMF) has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to TMF for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

TMF has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a TMF physician reviewer who is board certified in Anesthesiology, by the American Board of Anesthesiology, Inc. licensed by the Texas State Board of Medical Examiners (TSBME) in 1989, and who provides health care to injured workers. This is the same specialty as the treating physician. The TMF physician reviewer has signed a certification statement stating 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 the referral to TMF for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

### Clinical History

This 23 year-old male injured his back on \_\_\_\_\_. He has complaints of bilateral lower extremity weakness, slight numbness, and a tingling sensation. He has been treated with therapy, medications and epidural steroid injections.

### Requested Service(s)

Proposed lumbar discogram with post computed tomographic (CT) scan at L3-4, L4-5 and L5-S1

Decision

It is determined that there is medical necessity for the proposed lumbar discogram with post computed tomographic (CT) scan at L3-4, L4-5 and L5-S1 to treat this patient's medical condition.

Rationale/Basis for Decision

This patient has significant lumbalgia that has not responded well to conservative care. The proposed lumbar discogram is appropriate to determine the source of this patient's medical condition and determine the appropriate treatment plan. The post CT scan is necessary to determine distribution of dye within and without the disc. Discography is an extremely useful way to determine the source of disc pain and provide direction for the type of treatment necessary. Therefore, the proposed lumbar discogram with post computed tomographic (CT) scan at L3-4, L4-5 and L5-S1 is medically necessary to treat this patient's medical condition.

This decision by the IRO 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) 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 hearing and a **copy of this decision** must be sent to: Chief Clerk of Proceedings/Appeals Clerk, Texas Workers' Compensation Commission, 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 all other parties involved in this dispute.

Sincerely,

Director of Medical Assessment

GBS:dm

Attachment

cc: \_\_\_\_\_, Injured Worker  
Program Administrator, Medical Review Division, TWCC

In accordance with Commission Rule 102.4 (h), 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 25<sup>th</sup> day of January 2005.

Signature of IRO Employee:

Printed Name of IRO Employee:

#### **Information Submitted to TMF for TWCC Review**

**Patient Name:**

**TWCC ID #: M2-05-0455-01**

#### **Information Submitted by Requestor:**

- Progress Notes
- Diagnostic Tests

#### **Information Submitted by Respondent:**

- Diagnostic Tests
- Claims