



# Texas Medical Foundation

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NOTICE OF INDEPENDENT REVIEW DECISION

**CORRECTED LETTER**

February 7, 2005

Requestor

Respondent

City of El Paso c/o Ward N. America  
ATTN: Robert Josey  
Fax#: (512) 346-2539

RE: Injured Worker:  
MDR Tracking #: M2-05-0545-01  
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 Orthopedic Surgery, by the American Board of Orthopaedic Surgery, Inc. licensed by the Texas State Board of Medical Examiners (TSBME) in 1978, 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 45 year-old male injured his low back on \_\_\_ while lifting heavy bus seats. He states the pain his localized to his lumbar spine area and does not radiate to his extremities. He has been treated with medications and therapy. His diagnosis is sprain lumbar region and spinal stenosis, lumbar.

### Requested Service(s)

Proposed lumbar discogram

### Decision

It is determined that there is no medical necessity for the proposed lumbar discogram to treat this patient's medical condition.

### Rationale/Basis for Decision

Medical record documentation does not indicate objective radiculopathy or discogenic pathology. The magnetic resonance imaging dated 07/15/04 shows a pre-existing desiccation at multiple levels consistent with the age and hereditary aspects of the individual at issue. Additionally, there is minimal internal desiccation noted and there is no significant bulging or disc herniation. The proposed lumbar discogram will

not provide any additional information that is not already known and is therefore not 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:vn

Attachment

cc: \_\_\_\_\_, 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 7<sup>th</sup> day of February 20054.

Signature of IRO Employee:

Printed Name of IRO Employee:

Information Submitted to TMF for TWCC Review

**Patient Name:**

**TWCC ID #: M2-05-0545-01**

**Information Submitted by Requestor:**

- Progress Notes
- Diagnostic Tests
- Lab

**Information Submitted by Respondent:**

- Progress Notes
- Diagnostic Tests