

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

**IRO Certificate #4599**

**NOTICE OF INDEPENDENT REVIEW DECISION**

January 12, 2005

**Re: IRO Case # M2-05-0550**

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 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 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. Letter Dr. K 8/4/04
4. Report Dr. B 6/30/04
5. Reports Dr. K 2003, 2004
6. Epidural steroid operative report 6/4/03
7. Epidurogram and CT scan reports 6/4/03, 5/21/03

8. Lumbar MRI report 12/18/01, 8/30/04
9. Electrodiagnostic testing report 8/30/04

History

The patient is a 43-year-old male who in \_\_\_ was lifting a heavy hose and developed back pain. This was soon joined by right lower extremity pain, and that discomfort has persisted despite epidural steroid injections, medications and physical therapy. An MRI soon after the injury showed only mild non-surgically significant changes at L4-5 and L5-S1. A subsequent MRI was performed on 8/30/04 because of the patient's persistent discomfort, and it showed that the L4-5 area demonstrated a probably surgically significant disk rupture on the right side. The L5-S1 level was still without surgically significant changes. An 8/30/04 EMG showed radiculopathy on the right side only at L5. There has been no testing to indicate instability in this patient's lumbar spine.

Requested Service(s)

L4-5 decompression wPSIF/PLIF w/day LOS

Decision

I agree with the carrier's decision to deny the requested L4-5 decompression and fusion.

Rationale

A decompression and fusion at the L4-5 and L5-S1 levels was originally recommended, but this was changed to the L4-5 level only. As was indicated by a previous reviewer, the evidence is present for a right-sided L4-5 operation with decompression and disk removal. The medical records, however, do not support the necessity of fusion.

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,

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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 13<sup>th</sup> day of January 2005.

Signature of IRO Representative:

Printed Name of IRO Representative: