

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by Independent Review, Inc. is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this 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 ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

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 twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) 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
Texas Workers' Compensation Commission, MS-48
7551 Metro Center Dr., Ste. 100
Austin, TX 78744-1609

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.

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 May 9, 2005.

Sincerely,

Gilbert Prud'homme
General Counsel

REVIEWER'S REPORT M2-05-1190-01

Information Provided for Review:
TWCC-60, Table of Disputed Services, EOB's

Information provided by Respondent:

Correspondence

Designated doctor reviews

Information provided by Treating Doctor:

Correspondence

Office notes 08/18/04 – 01/12/05

Procedure notes 09/24/04 – 12/03/04

Radiology report 08/17/04

Clinical History:

This claimant sustained a work-related injury dated ____, which has resulted in a chronic low back pain and lumbar radicular condition. He has undergone surgery on, at least, 2 occasions to the lumbar spine for disc rupture, and a second surgery including a spinal fusion done at the L4/5 level. There has been some mention in the medical records that the claimant may have developed a nonunion of the fusion and a question has been brought up about the possible need for a re-fusion. Recently, the claimant has undergone 2 epidural steroid injections, which have resulted in notable relief of symptoms, but the last office note dated 1/12/05 indicates that he continues to have some pain as well as numbness in the left foot and ankle, and therefore, a 3rd steroid injection series was recommended to be targeted towards the left nerve root exiting at L4/5 and L5/S1.

Disputed Services:

Left transforaminal epidural steroid injection at L4-5 and L5-S1.

Decision:

The reviewer disagrees with the determination of the insurance carrier and is of the opinion that the steroid injection in dispute as stated above is medically necessary in this case.

Rationale:

It appears that this latest series of epidural steroid injections has provided some relief for this claimant. It is not unusual to include a total of 3 steroid injections in a series. Since he has benefited from the first 2 injections, but has continued to have some symptoms, I feel that it would be reasonable to proceed with the 3rd epidural steroid injection in this series for further relief. The fact that this is a transforaminal steroid injection, in order to target a nerve root that has been effective in this claimant's left-sided radicular symptoms, it would be reasonable that this would provide a greater effect to those nerve roots that are irritated. Therefore, the reviewer is of the opinion that the requested left transforaminal epidural steroid injection to be done at the L4/L5 and L5/S1 levels would be reasonable and medically necessary as a completion to the recurrent series of epidural steroid injections that this claimant is undergoing.