

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

IRO Certificate #4599

NOTICE OF INDEPENDENT REVIEW DECISION

May 13, 2005

Re: IRO Case # M2-05-1408 –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 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. IME report, 5/4/04, Dr. Ray
4. Review, 7/1/04, Dr. Robinson

5. Reports, 2003-2005, Dr. Rosenstein
6. Report cervical MRI, 7/10/03

History

The patient is a 38-year-old male who in ___ developed neck and right arm pain after missing a step on a truck and falling. Therapy and injections were tried without help. On 8/26/03 an ACDF was performed at the C5-6 level, after an MRI had shown a right-sided C5-6 disk herniation. The patient improved and was able to return to work, but he has continued to have some neck pain, and in recent months this has been joined by left upper extremity pain. He has had cervical epidural steroid injections on two occasions without significant help, except transiently. CT scanning has shown the fusion to be solid and the screws and plates to be in good position. There is some question of difficulty at the C4-5 and C6-7 levels, above and below the fusion. Specific abnormalities of a surgical nature, however, are not seen. The patient's continued significant pain is probably great enough that re-evaluation in trying to find the symptom-producing, surgically-correctable pathology is indicated.

Requested Service(s)

Cervical myelogram with post CT scan

Decision

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

Rationale

Myelography is frequently more helpful in reaching potential surgical conclusions than MRI or other tests in cases that have had fusion with instrumentation. The patient's symptoms certainly suggest the possibility of difficulty at a level other than the fused C5-6 level.

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 16th day of May 2005.

Signature of IRO Representative:

Printed Name of IRO Representative: Alice McCutcheon

Requestor: Dr. J. Rosenstein, Attn Cheryl, Fx 817-465-2775

Respondent: TML, Attn Katie Foster, 867-1733

Texas Workers Compensation Commission Fx 804-4871 Attn: