



# Texas Medical Foundation

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## NOTICE OF INDEPENDENT REVIEW DECISION

May 18, 2005

### Requestor

Robert J. Henderson, MD  
ATTN: Amada S.  
1261 Record Crossing  
Dallas, TX 75235

### Respondent

Liberty Mutual Fire Insurance Co.  
c/o Hammerman & Gainer  
ATTN: Melissa Rodriguez  
Fax#: (512) 231-0210

RE: Injured Worker:  
MDR Tracking #: M2-05-1504-01  
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 49 year-old male injured his back on \_\_\_ while pulling boxes weighing approximately 300 pounds each from the bottom of racks. He complains of numbness that radiated into the sole of his foot and into the bottom part of all five toes. His ability to stand and walk is compromised. He has been treated with therapy, medications, and surgery.

### Requested Service(s)

Approval of anterior/posterior fusion L4-5, L5-S1 decompressive laminectomy at L5 and segmental pedicle fixation L4, L5, S1 with the use of allograft bone

### Decision

It is determined that there is no medical necessity for the anterior/posterior fusion L4-5, L5-S1 decompressive laminectomy at L5 and segmental pedicle fixation L4, L5, S1 with the use of allograft bone to treat this patient's medical condition.

Rationale/Basis for Decision

Medical record documentation indicates the patient has had two prior spinal surgeries with good results. Recent straining injury has led to further evaluation. The magnetic resonance imaging (MRI) and discogram suggest a recurrent pathology at L5-S1 and bilateral S1 radiculopathy. However, current standards of care do not indicate a two level, 360-degree decompression fusion for this type of injury. Therefore, the anterior/posterior fusion L4-5, L5-S1 decompressive laminectomy at L5 and segmental pedicle fixation L4, L5, S1 with the use of allograft bone is 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,

Gordon B. Strom, Jr., MD  
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 18<sup>th</sup> day of May 2005.

Signature of IRO Employee:

Printed Name of IRO Employee:

**Information Submitted to TMF for TWCC Review**

**Patient Name:**

**TWCC ID #: M2-05-1504-01**

**Information Submitted by Requestor:**

- Progress Notes
- Diagnostic Tests
- Claims

**Information Submitted by Respondent:**

- Progress Notes
- Diagnostic Tests
- Claims