

Envoy Medical Systems, LP
1726 Cricket Hollow
Austin, Texas 78758

PH. 512/248-9020
IRO Certificate #4599

Fax 512/491-5145

NOTICE OF INDEPENDENT REVIEW DECISION

August 12, 2005

Re: IRO Case # M2-05-2007-01

Texas Worker's Compensation Commission:

Envoy Medical Systems, LP (Envoy) has been certified as an independent review organization (IRO) by the Texas Department of Insurance and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation cases. Texas HB. 2600, Rule133.308 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 Worker's compensation assign cases to certified IROs, this case was assigned 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 Worker's Compensation 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. RME 2/24/05, Dr. Likover

4. Lumbar MRI report 2/19/05
5. Report 9/23/04, Dr. Reid
6. Electrodiagnostic test report 1/11/05
7. Operative report 4/12/05
8. KSF medical records, Dr. Kant
9. Records, Dr. Wolf

History

The patient is a 56-year-old male who in ___ tripped when he arose from a bench, and fell, landing on his left hip and buttock. He developed severe pain in the gluteal region. X-rays of this region were negative for fracture. The patient was sent back to work in September 2004 with a 0% whole person impairment. The pain has continued in the left hip region, and extending somewhat into the left lower extremity. A 2/19/05 lumbar MRI showed changes compatible with surgically correctable pathology at the L5-S1 level. Decompression with or without fusion would be the likely means of dealing with this pathology. The patient has had nerve blocks with transient relief, indicating that nerve pressure is a source of his difficulty. He has also had electromyographic evaluation, showing a positive finding on the left side in the L5 region.

Requested Service(s)

Lumbar laminectomy L5-S1 level

Decision

I disagree with the carrier's decision to deny the requested operative procedure.

Rationale

MRI shows changes compatible with surgically correctable pathology, and a nerve block suggests that the pathology in the nerve is probably the source of the patient's discomfort. In addition, electromyography is positive. The patient has had a prolonged course of discomfort for over one year, despite epidural steroid injections, medications, and physical therapy. Based on this, the proposed procedure is justified.

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 15th day of August 2005.

Signature of IRO Representative:

Printed Name of IRO Representative: Alice McCutcheon

Requestor:

Respondent: Service Lloyds Ins. Co., Attn Wisteria Hutchenson, Fx 346-2539

Texas Workers Compensation Commission Fx 804-4871 Attn: