

MCMC

IRO Medical Dispute Resolution M2 Prospective Medical Necessity IRO Decision Notification Letter

Date:	10/18/2005
Injured Employee:	
Address:	
MDR #:	M2-05-2113-01
DWC #:	
MCMC Certification #:	IRO 5294

REQUESTED SERVICES:

Please review the item(s) in dispute: 3-Level Cervical Discogram with CT Scan.

DECISION: **Upheld**

IRO MCMC llc (MCMC) has been certified by the Texas Department of Insurance as an Independent Review Organization (IRO) to render a recommendation regarding the medical necessity of the above disputed service.

Please be advised that a MCMC Physician Advisor has determined that your request for an M2 Prospective Medical Dispute Resolution on 10/18/2005, concerning the medical necessity of the above referenced requested service, hereby finds the following:

The 3-level cervical discogram with CT Scan is not medically necessary.

CLINICAL HISTORY:

The injured individual is a 41 year old female with date of injury _____. The injured individual had subsequent cervical surgery for neck and right arm pain in 04/2004 without relief. She had an extensive postoperative work up including two CTs, a myelogram, an x-ray, and electromyogram (EMG). All were reported to be either negative or unimpressive in their findings. Her own surgeon could not explain her continued complaints based on these tests. She was then referred out for a second opinion with Dr Anderson. He recommended injections but did not feel surgery would be worth the risk based on her limited radiologic findings. Now, Dr Potter wants a discogram to plan for surgery. Not only is this an unproven test, but the injured individual's original surgeon, her consultant surgeon and an independent medical exam (IME) all felt no further surgery was warranted.

References:

1. ACOEM Guidelines 2004 pg 303-305. Reference #1 states: "Recent studies on discography do not support its use as a preoperative indication for either IDET or fusion."

2. Neurosurg Focus 2002 Aug;13(2):E12 Guidelines for the use of discography for the diagnosis of painful degenerative lumbar disc disease. Resnick DK. Reference #2 states: "Recently, its usefulness has been questioned because of the occurrence of false-positive results as well as the influence of psychological factors on test results."

3. Reg Anesth Pain Med 2005 Mar-Apr;30(2):163083 Lumbar discography: a comprehensive review of outcome studies, diagnostic accuracy, and principles. Cohen SP. Reference #3 states: "Although discography, especially combined with CT scanning, may be more accurate than other radiologic studies in detecting degenerative disc disease, its ability to improve surgical outcomes has yet to be proven."

4. Spine J 2005 Jan-Feb;5(1):24-35. Discographic, MRI and psychosocial determinants of low back pain disability and remission: a prospective study in subjects with benign persistent back pain. Carragee EJ. This reference states: "A positive provocative discogram at baseline did not predict any future adverse event."

RATIONALE:

The injured individual is a 41 year old female who had a C6/7 fusion in 04/2004 after her injury. She did not improve. Her own surgeon was at a loss to explain why there was no improvement therefore he ordered a CT scan in 06/2004 which showed neuroforaminal stenosis at right C4/5 and 6/7 which was noted to be unimpressive by her surgical consultant. He recommended an electromyogram (EMG) which was negative and a CT/myelogram which showed small filling deficit right C5/6. X-rays showed a solid fusion. The injured individual had epidural steroid injections (ESIs), facet injections, and botox since this work up without help. The surgical consultant Dr. Anderson recommended these injections but did not recommend more surgery as the injured individual had unimpressive findings, which did not correlate to her subjective level and description of neck and arm pain, and he felt the risk of surgery would outweigh any benefit. She also had an independent medical exam (IME) in 07/2005, which did not recommend further surgery. Her pain physician is now requesting a cervical discogram for possibly more surgery. This was denied previously as the discogram procedure is considered an unproven test. This is true. Also, this injured individual has been seen extensively by her surgical consultant who did not feel surgery was warranted. Therefore a discogram is not necessary.

RECORDS REVIEWED:

- DWC/TWCC Notification of IRO Assignment dated 07/27/05
- MR-117 dated 07/27/05
- MR-100 dated 07/14/05
- DWC/TWCC-60
- DWC/TWCC-66 Statement of Pharmacy Services dated 09/30/04, 10/15/04, 11/14/04, 12/19/04, 01/31/05, 02/15/05, 04/15/05, 04/30/05, 05/31/05, 06/30/05
- DWC/TWCC-69 Report of Medical Evaluation
- DWC/TWCC-73 Work Status Reports dated 12/09/03, 12/10/03, 12/15/03, 01/08/04, 01/09/04, 02/03/04, 02/12/04, 03/05/04, 08/12/04, 10/18/04, 12/22/04

- MCMC: IRO Medical Dispute Resolution Prospective dated 10/04/05
- MCMC: IRO Medical Dispute Resolution M2 Prospective Pre-Authorization dated 07/27/05
- Stone Loughlin & Swanson, LLP: Letter dated 08/26/05 from James Loughlin
- Chiropractic Professionals: Pre-Authorization Request/Prescription dated 07/19/05
- Disability Evaluating Center of Texas: Report dated 07/19/05 from Charles Kennedy, Jr., M.D.
- Comprehensive Pain Management: Letters dated 06/22/05, 05/30/05 from Ryan Potter, M.D.
- Concentra: Denial letter #2 dated 06/14/05
- Austin & Associates: Comprehensive Medical Analysis dated 06/14/05 from Christie McVay, Medical Review Specialist
- John A. Sklar, M.D.: Report dated 06/07/05
- Concentra: Denial letter #1 dated 05/25/05
- Worker's Compensation Preauthorization Forms dated 05/19/05, 05/18/05 from Monica
- Comprehensive Pain Management: H&P dated 04/28/05, 01/06/05, 01/31/05 from Ryan Potter, M.D.
- Spinecare Outpatient Surgery Center: Operative Note dated 04/20/05 from Ryan Potter, M.D.
- Comprehensive Pain Management: H&P dated 04/12/05 from Anne Schmidt, P.A.-C. and Ryan Potter, M.D.
- SIRO: Report dated 04/08/05 from Wendy Perelli, CEO
- Churchill Evaluation Centers: Report of Medical Evaluation dated 03/28/05 from Jaime Pankowsky, M.D. with associated Review of Medical History, Physical Examination and Impairment Rating Calculation and Detail
- Concentra: Letter dated 02/16/05 from Kimberlee Stukenbrock, Utilization Review Nurse
- Comprehensive Pain Management: Telephone Note dated 02/10/05 from Ryan Potter, M.D.
- Concentra: Procedure report dated 02/09/05
- Family/Urgent Care: Handwritten History and Physical dated 01/29/05
- Pelican Urgent Care: Worker's Status Injury Report dated 01/29/05
- Comprehensive Pain Management: Procedure report dated 01/24/05
- Comprehensive Pain Management: Addendum dated 01/24/05 from Ryan Potter, M.D.
- Disability Evaluating Center of Texas: Report dated 01/04/05 from Frank Luckay, M.D.
- Neurosurgery of South Texas: Office note dated 12/21/04 from Mathew Alexander, M.D.
- Doctors Regional Medical Center: Cervical CT, cervical myelogram dated 12/17/04
- Neurosurgery of South Texas: Letters dated 11/02/04, 12/21/05 from Mathew Alexander, M.D.
- Neurosurgery of South Texas: Workmen's Compensation Case report dated 11/02/04 from Mathew Alexander, M.D.
- Comprehensive Management: Facsimile Cover Sheet dated 10/18/04
- Christus Spohn Health System: Air Contrast Upper GI dated 10/07/04
- Christus Spohn Health System: Radiology report dated 10/06/04
- Christus Spohn Health System: Hepatobiliary Scan with Kinevac dated 10/04/04
- Inpatient Patient Registration Form dated 10/03/04
- Christus Emergency Department handwritten notes dated 10/03/04
- Christus Spohn Health System: Radiology report dated 10/03/04

- Comprehensive Pain Management: Initial H&P dated 09/24/04 from Ryan Potter, M.D.
- Healthtrust: Individual Counseling Note dated 09/09/04 from Laura Lopez, Therapist
- Joel Joselevitz, M.D.: Report dated 07/28/04
- The Anesthesia Group, P.A.: Letter dated 07/26/04 from Rose Perez, Account Manager
- Alpine Healthcare: Reports dated 06/25/04
- Doctors Regional Medical Center: CT cervical spine dated 06/18/04
- Doctors Regional Medical Center: Cervical spine films dated 05/25/04
- Doctors Regional Medical Center: Stat Reading Report dated 05/25/04
- Home Health Certification and Plan of Care dated 04/10/04 from John Masciale, M.D.
- Addendum to Plan of Care dated 04/10/04
- Corpus Christ MC Lab: Lab report dated 04/08/04
- Corpus Christi Medical Center: Operative Report dated 04/07/04 from John Masciale, M.D.
- Doctors Regional Medical Center: C-spine radiographs dated 04/07/04
- Intra-Operative Evoked Potential Monitoring dated 04/07/04 from Meyer Proler, M.D.
- Corpus Christi Medical Center: Preop History and Physical dated 04/04/04 from John Masciale, M.D.
- Orthopaedic Associates of Corpus Christi: Preoperative Office Visit dated 04/02/04 from Jose Recio, P.A.-C
- Doctors Regional Medical Center: Chest PA and lateral radiographs dated 03/30/04
- Doctors Regional Medical Center: Cervical spine myelogram, CT of the cervical spine dated 02/24/04
- Orthopedic Associates of Corpus Christi: Letters dated 02/24/04, 03/11/04, 04/13/04, 04/22/04, 05/06/04, 05/20/04, 06/10/04, 07/13/04, 09/07/04 from John Masciale, M.D.
- Orthopaedic Associates of Corpus Christi: Initial Evaluation dated 02/12/04 from John Masciale, M.D.
- Healthtrust: Initial Interview dated 02/11/04 from Laura Lopez, Therapist
- CT of the cervical spine, CT of the right shoulder dated 01/19/04 from A. J. Ramos, M.D.
- Pete E. Garcia, M.D.: Letters dated 01/08/04, 02/03/04
- Chiropractic Professionals: Follow-up notes dated 12/15/03, 12/17/03, 12/18/03, 12/19/03, 12/22/03, 12/24/03, 12/31/03, 01/09/04, 01/13/04, 01/16/04, 01/23/04, 01/27/04, 01/29/04, 02/09/04, 02/12/04, 02/23/04, 03/01/04, 03/03/04, 03/05/04, 03/15/04, 03/22/04, 04/13/04, 05/04/04, 05/13/04, 06/15/04, 06/16/04, 07/21/04, 08/02/04, 08/12/04, 09/09/04, 09/22/04, 09/28/04, 10/18/04, 11/04/04, 11/08/04, 12/22/04, 02/22/05 from Michael Mauger, D.C.
- Concentra Medical Centers: Transcription report dated 12/10/03 from Bill Culen, M.D.
- Employer's First Report of Injury or Illness dated 12/09/03 from Larry Breeling, Clinical Manager
- Concentra Medical Centers: Transcription report dated 12/09/03 from Guy Racette, M.D.
- Concentra Medical Centers: Transcription reports dated 12/09/03, 12/10/03 from AnneMarie Sheldon, PT
- Article entitled "Acute Low Back Problems in Adults", pages 79 and 81
- The Back Letter dated June 2000, pages 61 through 72

The reviewing provider is a **Licensed/Boarded Pain Management/Anesthesiologist** and certifies that no known conflict of interest exists between the reviewing **Pain Management/Anesthesiologist** and any of the treating providers or any providers who reviewed the case for determination prior to referral to the IRO. The reviewing physician is on DWC's Approved Doctor List.

Your Right To Appeal

If you are unhappy with all or part of this decision, you have the right to appeal the decision. The decision of the Independent Review Organization is binding during the appeal process.

If you are disputing the decision (other than a spinal surgery prospective decision), the appeal must be made directly to a district court in Travis County (see Texas Labor Code §413.031). An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. If you are disputing a spinal surgery prospective decision, a request for a hearing must be in writing and it must be received by the Division of Workers' Compensation, Chief Clerk of Proceedings, within ten (10) days of your receipt of this decision.

This decision is deemed received by you 5 (five) days after it was mailed (28Tex.Admin. Code 102.4(h)(2) or 102.5(d)). A request for a hearing **and a copy of this decision** should be sent to:

Chief Clerk of Proceedings / Appeals Clerk
T. D. I. Division of Texas Workers' Compensation
P.O. Box 17787
Austin, Texas, 78744
Fax: 512-804-4011

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

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

18th day of October 2005.

Signature of IRO Employee: _____

Printed Name of IRO Employee: _____