

NOTICE OF INDEPENDENT REVIEW DECISION

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September 8, 2005

Requestor

Respondent

TML Intergovernmental Risk Pool c/o  
Flahive, Ogden & Latson  
ATTN: Katie Foster  
505 W. 12<sup>th</sup> St.  
Austin, TX 78701

RE: Injured Worker:  
MDR Tracking #: M2-05-2206-01  
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 1969, 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 34 year-old male injured his low back on \_\_\_ while bending to pick up an object. He felt a "pop" and pain to his low back with radiating pain into his left leg. He has been treated with epidural steroid injections, therapy and medications.

Requested Service(s)

Arthroplasty/Charite L5-S1 with one day length of stay

Decision

It is determined that there is no medical necessity for the Arthroplasty/Charite L5-S1 with a one day length of stay to treat this patient's medical condition.

Rationale/Basis for Decision

Medical record documentation does not indicate a diagnosis to substantiate the need for the procedure in question. There is no indication of objective or subjective findings to indicate treatment is necessary. The medical evaluations only indicate a suggestion of degenerative disc disease of L5-S1 without physical findings allowing the inclusion of radiculopathy. Therefore, the Arthroplasty/Charite L5-S1 with a one day length of stay 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: 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 8th day of September 2005.

Signature of IRO Employee:

Printed Name of IRO Employee:

**Information Used by TMF in Decision**

**Patient Name:**

**TWCC ID #: M2-05-2206-01**

**Medical record documentation provided:**

- **Independent Medical Examination**
- **Diagnostic Tests**
- **Peer Review**
- **Required Medical Examination**
- **Claims**