

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

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IRO Certificate #4599

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NOTICE OF INDEPENDENT REVIEW DECISION

September 22, 2005

Re: IRO Case # M2-05-2219-01

Texas Worker's Compensation Division:

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 Workers' 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 Workers' 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 Anesthesiology and Pain Management, and who has met the requirements for the Workers' 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. Letter of appeal 7/6/03, D. Bodin
4. Reports 2005, Positive Pain Management
5. Letter 12/18/04 and follow up reports 9/2/04, 7/17/03, 3/17/04, Dr. Dennis
6. Letter, Healthtrust
7. Operative report 1/23/98
8. MRI report 1/21/02

History

The patient has had neck and low back pain since a ___ injury. He has been treated with surgery at C3-7, physical therapy, work hardening, behavioral therapy, biofeedback and medications.

Requested Service(s)

Chronic pain management x 20 days.

Decision

I agree with the carrier's decision to deny the requested chronic pain management.

Rationale

Over eight years post-injury, it is unlikely that an extensive behavioral program would add anything to the modalities that have been utilized to date. Therefore, it would not be reasonable and necessary to embark on an extensive pain management program.

This medical necessity decision by an Independent Review Organization is deemed to be a Worker's Compensation decision and order.

YOUR RIGHT TO APPEAL

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

If you are disputing a decision other than a spinal surgery prospective decision, the appeal must be made directly to the district clerk in Travis County (see Texas Labor Code sec. 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.

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 23rd day of September 2005.

Signature of IRO Representative:

Printed Name of IRO Representative: Alice McCutcheon

Requestor: Positive Pain Management, Attn Heidi Wilson, Fx 972-487-1916

Respondent: TPCIGA for Petroinsurance Casualty, Attn David Gehlbach, Fx 418-8195

Texas Workers Compensation Division, Fx 804-4871 Attn: