

Parker Healthcare Management Organization, Inc.

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Certificate # 5301

June 17, 2005

ATTN: Program Administrator
Texas Workers Compensation Commission
Medical Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100
Austin, TX 78744
Delivered by fax: 512.804.4868

Notice of Determination

MDR TRACKING NUMBER: M2-05-1701-01
RE: Independent review for ____

The independent review for the patient named above has been completed.

- Parker Healthcare Management received notification of independent review on 5.17.05.
- Faxed request for provider records made on 5.19.05.
- The case was assigned to a reviewer on 6.8.05.
- The reviewer rendered a determination on 6.15.05.
- The Notice of Determination was sent on 6.17.05.

The findings of the independent review are as follows:

Questions for Review

Prospective medical necessity of the proposed 2 day inpatient stay for decompression fusion L3-4, L4-5 with bone graft and instrumentation

Determination

PHMO, Inc. has performed an independent review of the proposed care to determine if the adverse determination was appropriate. After review of all medical records received from both parties involved, the PHMO, Inc. physician reviewer has determined to **uphold the denial**.

Summary of Clinical History

Mr. ____ sustained a work related injury on ____, while employed by _____.

Clinical Rationale

Mr. ____ had a prior L4-5 surgery on 8.28.96 and had a 28 percent impairment rating given for this in 1997. A lumbar MRI 4.14.03 showed moderate canal and moderate to severe right neuroforamen narrowing. Dr. Francis considered the 2.23.04 myelogram CT scan to show moderate canal narrowing at L4-5 and L5-S1. However, the L3-4 level was not normal. The 9.14.04 discogram was concordant at L3-4

and L4-5 but L5-S1 did not produce any significant pain although there was an annular tear noted at L5-S1 as well.

Mr. ___ has a complex spine surgery treatment course with extended chiropractic care as well as some physical therapy. Mr. ___ was reported to be a smoker who is quitting and he was reported to be depressed.

The proposed two-level spine surgery does not address the L5-S1 level. The patient's psychological profile has not been assessed. Mr. ___ has not had a confirmed cessation of his smoking. Smokers have increased risks of pseudarthrosis as well accelerated disc degeneration. Thus, URA denial is upheld as the procedure requested is not medically indicated or necessary.

Clinical Criteria, Utilization Guidelines or other material referenced

This conclusion is supported by the reviewers' clinical experience with over 15 years of patient care and orthopedic surgery.

The reviewer for this case is a Medical Doctor licensed by the Texas State Board of Medical Examiners. The reviewer is a diplomate of the *American Board of Orthopedic Surgery*, and is engaged in the full time practice of medicine.

The review was performed in accordance with Texas Insurance Code §21.58C and the rules of the Texas Workers Compensation Commission. In accordance with the act and the rules, the review is listed on the TWCC's list of approved providers, or has a temporary exemption. The review includes the determination and the clinical rationale to support the determination. Specific utilization review criteria or other treatment guidelines used in this review are referenced.

The reviewer signed a certification attesting that no known conflicts-of-interest exist between the reviewer and any of the providers or other parties associated with this case. The reviewer also attests that the review was performed without any bias for or against the patient, carrier, or other parties associated with this case.

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. Per rule 133.308 (v) (1), written appeal for spinal surgery prospective disputes must be appealed in writing within 10 days after receipt of the IRO decision. This Decision is deemed received by you 5 (five) days after it was mailed and the first working day after the date this Decision was placed in the carrier representative's box (28 Tex. Admin. Code § 102.5 (d)). A request for hearing should be sent to: Chief Clerk of Proceeding/Appeals Clerk, P. O. Box 17787, Austin, Texas 78744 or faxed to (512) 804-4011. A copy of this Decision should be attached to the request.

The party appealing the Division's Decision shall deliver a copy of this written request for a hearing to the opposing party involved in the dispute.

I hereby verify that a copy of this Findings and Decision was faxed to TWCC, Medical Dispute Resolution department, the requestor (if different from the patient) and the respondent. I hereby verify that a copy of this Findings and Decision was mailed to the injured worker applicable to Commission Rule 102.5 this 17th day of June, 2005. Per Commission Rule 102.5(d), the date received is deemed to be 5 (five) days from the date mailed and the first working day after the date this Decision was placed in the carrier representative's box.

Meredith Thomas
Administrator
Parker Healthcare Management Organization, Inc.

CC:

Dr. Stephen Esses
Attn: Natasha
Fax: 713.986.5741

Argonaut Southwest Ins.
Attn: Ken Vaile
Fax: 972.518.0414

[Claimant]