



# PROFESSIONAL ASSOCIATES

## NOTICE OF INDEPENDENT REVIEW

**NAME OF PATIENT:** \_\_\_\_\_  
**IRO CASE NUMBER:** M2-06-0398-01  
**NAME OF REQUESTOR:** Orthopaedic Associates of North Texas  
**NAME OF PROVIDER:** Harold Lynn Rodgers, M.D.  
**REVIEWED BY:** Board Certified in Orthopedic Surgery  
**IRO CERTIFICATION NO:** IRO 5288  
**DATE OF REPORT:** 01/11/06

Dear Orthopaedic Associates of North Texas:

Professional Associates has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO) (#IRO5288). Texas Insurance Code Article 21.58C, effective September 1, 1997, allows a patient, in the event of a life-threatening condition or after having completed the utilization review agent's internal process, to appeal an adverse determination by requesting an independent review by an IRO.

In accordance with the requirement for TDI-Division of Workers' Compensation (DWC) to randomly assign cases to IROs, DWC has assigned your case to Professional Associates for an independent review. The reviewing physician selected has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, the reviewing physician reviewed 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. determination, and any documentation and written information submitted in support of the appeal.

This case was reviewed by a physician reviewer who is Board Certified in the area of Orthopedic Surgery and is currently listed on the DWC Approved Doctor List.

I am the Secretary and General Counsel of Professional Associates and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him the provider, the injured employee, the injured

employee's employer, the injured employee's insurance carrier, the utilization review agent, or any of the treating doctors or insurance carrier health care providers who reviewed the case for decision before referral to the Independent Review Organization.

### **REVIEWER REPORT**

#### **Information Provided for Review:**

Procedure notes from Lee A. Brock, M.D. dated 06/09/03, 06/23/03, 03/15/04, 04/18/05, 05/16/05, 08/01/05, 10/11/05, and 11/07/05

Evaluations with Dr. Brock dated 06/09/03, 06/18/03, 06/23/03, 07/16/03, 02/11/04, 03/03/04, 03/15/04, 03/31/04, 08/04/04, 09/01/04, 10/13/04, 12/08/04, 01/12/05, 01/19/05, 02/02/05, 04/06/05, 04/18/05, 04/27/05, 05/16/05, 05/25/05, 06/08/05, 07/13/05, 07/20/05, 08/01/05, 08/17/05, 09/14/05, 09/28/05, 10/11/05, 10/19/05, 11/07/05, 11/16/05, and 12/07/05

An MRI of the right knee interpreted by James Pak, M.D. dated 01/06/04

Evaluations with Harold Lynn Rodgers, M.D. dated 09/07/04, 01/04/05, 03/01/05, 04/28/05, 06/23/05, 07/28/05, 08/22/05, and 10/20/05

A notice of disputed issue(s) and refusal to pay benefits form from Sedgwick dated 11/17/04

Evaluations with Corbin Mills, C.F.N.P. dated 12/08/04, 01/12/05, 01/18/05, and 01/19/05

A Designated Doctor Evaluation with Armando Molina, M.D. dated 05/17/05

An addendum report from Gregg Diamond, M.D. dated 09/09/05

Letters of non-authorization from an unknown provider (no name or signature was available) dated 10/31/05 and 11/08/05

A letter of medical necessity from Dr. Rodgers dated 11/01/05

An evaluation with Brent C. Morgan, M.D. dated 11/18/05

A letter from W. Jon Grove, at Downs Stanford, P.C. Attorneys and Counselors dated 12/15/05

#### **Clinical History Summarized:**

Dr. Brock performed cervical epidural steroid injections (ESIs) on 06/09/03, 06/23/03, and 03/15/04. Cervical facet injections were also performed on 06/23/03 and 03/15/04. An MRI of the right knee interpreted by Dr. Pak on 01/06/04 revealed findings of osteoarthritis and osteochondritis dissecans on the lateral aspect of the medial femoral condyle. Dr. Rodgers recommended closing out the knee and foot injury on 09/07/04. On 11/17/04, Sedgwick CMS provided a notice of disputed issue(s) and refusal to pay benefits form indicating they disputed the extent of the injury did not include the degenerative conditions in the knees or cervical spine. On 01/12/05, cervical ESIs and facet injections continued to be recommended by Mr. Mills. Dr.

Brock performed cervical facet injections on 04/18/05 and 05/16/05. On 05/17/05, Dr. Molina placed the patient at statutory Maximum Medical Improvement (MMI) as of 03/25/05 with a 20% whole person impairment rating. The facet rhizotomy was performed by Dr. Brock on 08/01/05. Neurontin 100 mg. and Norco were provided by Dr. Brock on 08/17/05. Dr. Diamond agreed with the impairment rating on 09/09/05 and recommended cervical spine surgery. On 10/11/05 and 11/07/05, Dr. Brock performed a cervical ESI. Dr. Rodgers performed a right knee steroid injection on 10/20/05 and recommended Synvisc injections. Letters of denial for the Synvisc injections were provided by an unknown provider on 10/31/05 and 11/08/05. On 11/18/05, Dr. Morgan recommended possible cervical spine surgery or spinal cord stimulation. On 12/15/05, Mr. Grove felt the use of Synvisc injections was not related to the compensable injury and noted that Dr. Rodgers had indicated the knee was healed.

**Disputed Services:**

Synvisc injections

**Decision:**

I disagree with the Synvisc injections. They would be neither reasonable nor necessary as related to the original injury.

**Rationale/Basis for Decision:**

The proposed Synvisc injections are not reasonable or necessary as related to the original injury. The purpose in using Synvisc is for degenerative conditions of the knee. This patient's compensable injury does not extend to the degenerative condition in the knee that existed before the injury. The patient's treatment for the knee has finished and the current complaints have only been due to the degenerative disease. Therefore, the Synvisc injections would be neither reasonable nor necessary in regard to the compensable injury.

The rationale for the opinions stated in this report are based on clinical experience and standards of care in the area as well as broadly accepted literature which includes numerous textbooks, professional journals, nationally recognized treatment guidelines and peer consensus.

This review was conducted on the basis of medical and administrative records provided with the assumption that the material is true and correct.

**M2-06-0398-01**

**Page Four**

This decision by the reviewing physician with Professional Associates is deemed to be a Division decision and order.

**YOUR RIGHT TO REQUEST A HEARING**

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. A request for a hearing should be faxed to 512-804-4011 or sent to:

Chief Clerk of Proceedings/Appeals Clerk  
TDI-Division of Workers' Compensation  
P. O. Box 17787  
Austin, TX 78744

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

I hereby verify that a copy of this Independent Review Organization's decision was sent to the respondent, the requestor, DWC, and the patient via facsimile or U.S. Postal Service this day of 01/11/06 from the office of Professional Associates.

Sincerely,

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Lisa Christian  
Secretary/General Counsel