

# IRO America Inc.

## An Independent Review Organization

7626 Parkview Circle

Austin, TX 78731

Phone: 512-346-5040

Fax: 512-692-2924

Amended July 7, 2006

June 28, 2006

TDI-DWC Medical Dispute Resolution

Fax: (512) 804-4868

Patient: \_\_\_\_\_

TDI-DWC #: \_\_\_\_\_

MDR Tracking #: \_\_\_\_\_

M2-06-1277-01

IRO #: \_\_\_\_\_

5251

IRO America Inc. (IRO America) has been certified by the Texas Department of Insurance as an Independent Review Organization. The TDI, Division of Workers' Compensation (DWC) has assigned this case to IRO America for independent review in accordance with DWC Rule 133.308 which allows for medical dispute resolution by an IRO.

IRO America has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor; the Reviewer is a credentialed Panel Member of IRO America's Medical Knowledge Panel who is a licensed MD, board certified and specialized in Orthopedic Surgery. The reviewer is on the DWC Approved Doctor List (ADL).

The IRO America Panel Member/Reviewer is a health care professional who has signed a certification statement stating that no known conflicts of interest exist between the Reviewer and 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 carriers health care providers who reviewed the case for decision before referral to IRO America for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

### RECORDS REVIEWED

Notification of IRO Assignment, records from the Requestor, Respondent, and Treating Doctor(s), including:

- Lumbar spine x-ray, 10/10/05
- Lumbar spine MRI, 10/20/05
- Physical therapy record, 10/25/05
- Office notes, Dr. Durante, 11/11/05, 12/13/05, 12/30/05, 01/27/06, 03/21/06, 04/08/06 and 05/02/06
- Procedure, 01/11/06

- Lumbar myelogram, 03/08/06
- CT myelogram, 03/08/06
- Peer review, Dr. Brenman, 03/24/06 and 03/30/06
- Non-authorized notice, 03/24/06

### **CLINICAL HISTORY**

This 55 year old \_\_\_\_\_ reported back pain after lifting a patient on \_\_\_\_\_. The Patient was diagnosed with lumbar pain with radiculopathy. The records documented that treatment consisted of therapy, medications and an epidural steroid injection without relief of pain.

X-rays and an MRI of the lumbar spine showed degenerative disc disease at L5-S1 with an annular bulge at L5-S1. The radiology report did not identify any neural impingement or stenosis. A lumbar myelogram on 03/08/06 showed collapse of the L5- S1 disc with bilateral foraminal stenosis, more severe on the right per the attending physician interpretation.

On a 04/08/06 physician visit The Patient reported severe back pain with foot numbness. The straight leg raise was positive on examination and a decreased sensation of the dorsum foot was noted with weakness of the anterior tibialis. The diagnosis was collapse of the L5- S1 disc with foraminal stenosis and severe nerve root compression and severe radiculopathy. A repeat MRI was recommended.

According to the records, the physician recommended a spinal fusion due to failed conservative treatment and worsened symptoms.

### **DISPUTED SERVICE(S)**

Under dispute is the prospective, and/or concurrent medical necessity of Inpatient lumbar 360 degree fusion L5- S1.

### **DETERMINATION/DECISION**

The Reviewer agrees with the determination of the insurance company.

### **RATIONALE/BASIS FOR THE DECISION**

The Reviewer cannot recommend the proposed 360 fusion as being medically necessary for This Patient. The Patient is diagnosed with degenerative disc disease. There was no significant neural impingement on the 10/20/05 MRI and only mild foraminal stenosis on the CT myelogram of 03/08/06. There is no documented instability at L5-S1. The Patient appears to primarily have discogenic pain. According to ACOEM Guidelines and Official Disability Guidelines, fusion has not been proven to be effective treatment for degenerative disc disease. This treatment is quite controversial both in the medical literature and in clinical practice and is not considered the standard of care at this time.

#### **Screening Criteria**

1. Specific:

- ACOEM Guidelines, Chapter 12, page 307
- Official Disability Guidelines Fourth Edition Treatment in Worker's Compensation 2006 p. 814-816

2. General:

In making his determination, the Reviewer had reviewed medically acceptable screening criteria relevant to the case, which may include but is not limited to any of the following: Evidence Based Medicine Guidelines (Helsinki, Finland); Texas Medical Foundation: Screening Criteria Manual (Austin, Texas); Texas Chiropractic Association: Texas Guidelines to Quality Assurance (Austin Texas); Texas Medical Foundation: Screening Criteria Manual (Austin, Texas); Mercy Center Guidelines of Quality Assurance; any and all guidelines issued by DWC or other State of Texas Agencies; standards contained in Medicare Coverage Database; ACOEM Guidelines; peer-reviewed literate and scientific studies that meet nationally recognized standards; standard references compendia; and findings; studies conducted under the auspices of federal government agencies and research institutes; the findings of any national board recognized by the National Institutes of Health; peer reviewed abstracts submitted for presentation at major medical associates meetings; any other recognized authorities and systems of evaluation that are relevant.

**CERTIFICATION BY OFFICER**

IRO America has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. IRO America has made no determinations regarding benefits available under the injured employee's policy.

As an officer of IRO America Inc., I certify that there is no known conflict between the Reviewer, IRO America and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

IRO America is forwarding by mail or facsimile, a copy of this finding to the DWC, the Injured Employee, the Respondent, the Requestor, and the Treating Doctor.

Sincerely,  
**IRO America Inc.**

Dr. Roger Glenn Brown  
**President & Chief Resolutions Officer**

Cc: \_\_\_\_\_

Zurich American Ins. Co. / FOL  
Attn: Katie Foster  
Fax: 512-867-1733

Dr. Luis Durate  
Fax: 325-481-2166

## **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.

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

**I hereby certify, in accordance with DWC Rule 102.4 (h), that a copy of this Independent Review Organization decision was sent to the carrier, requestor, claimant (and/or the claimant's representative) and the DWC via facsimile, U.S. Postal Service or both on this 28<sup>th</sup> day of June, 2006.**

**Name and Signature of IRO America Representative:**

Sincerely,  
**IRO America Inc.**

Dr. Roger Glenn Brown  
**President & Chief Resolutions Officer**