

# Parker Healthcare Management Organization, Inc.

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Certificate # 5301

November 8, 2005

**ATTN: Program Administrator**

**Texas Department of Insurance/Workers Compensation Division**

7551 Metro Center Drive, Suite 100

Austin, TX 78744

Delivered by fax: 512.804.4868

## Notice of Determination

MDR TRACKING NUMBER: M2-06-0057-01  
RE: Independent review for \_\_\_\_

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

- Parker Healthcare Management received notification of independent review on 10.07.05.
- Faxed request for provider records made on 10.10.05.
- TDI-DWC issued order for payment on 10.21.05.
- The case was assigned to a reviewer on 10.27.05.
- The reviewer rendered a determination on 11.07.05.
- The Notice of Determination was sent on 11.08.05.

The findings of the independent review are as follows:

### Questions for Review

Medical necessity of the requested Lumbar artificial disc replacement L5-C1 Charite artificial disc with cyro therapy rental X10 days with 23 hour observation

### 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** on the requested service(s).

### Summary of Clinical History

Mr. \_\_\_\_ sustained a work related job injury on \_\_\_\_, while employed with Schlumberger Technology Corporation.

### Clinical Rationale

Mr. \_\_\_\_ had a work incident on \_\_\_\_ with multiple areas of pain per the Designated Doctor Evaluation with numbness in both feet and hypersensitivity to bilateral legs, low back, and left arm. The patient's physical examination was limited due to back pain to include his inability to perform toe and heel walking. His FCE showed he was not able to reach or squat or walk for more than thirty to forty feet. The EMG/NCV suggested a left S1 radiculopathy; however, the MRI of the lumbar spine only showed a 2.9 mm central disc abnormality.

The discogram that was completed was not preceded by any pain behavior or tolerance assessment and the discogram was only done at the L5-S1 level without a control level.

Thus, this request for a disc replacement is not clinically validated by these records and the peer reviewed medical literature. Pain issues appear excessive without objective verification.

## Clinical Criteria, Utilization Guidelines or other material referenced

- Spine Instructional Course Lectures, 2003, American Academy Orthopedic Surgeons.
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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 Texas Department of Insurance /Division of Workers' Compensation. In accordance with the act and the rules, the review is listed on the DWC'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 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 address for the Chief Clerk of Proceedings would be: P.O. Box 17787, Austin, Texas, 78744.

I hereby verify that a copy of this Findings and Decision was faxed to the Texas Department of Insurance /Division of Workers Compensation, 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 (the requestor) applicable to Commission Rule 102.5 this 8<sup>th</sup> day of November 2005.

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Meredith Thomas  
Administrator  
Parker Healthcare Management Organization, Inc.

CC: [Claimant]

Travelers Indemnity Co.  
Attn: Jeanne Schafer  
Fax: 512.347.7870