

NOTICE OF INDEPENDENT REVIEW DECISION

November 18, 2005

Barton Oaks Plaza Two, Suite 200
901 Mopac Expressway South • Austin, TX 78746-5799
Phone 512-329-6610 • Fax 512-327-7159 • www.tmf.org

Requestor

[Claimant]

Respondent

City of Dallas c/o Harris & Harris
ATTN: Robert Josey
P.O. Box 162443
Austin, TX 78716

RE: Claim #: _____
Injured Worker: _____
MDR Tracking #: M2-06-0099-01
IRO Certificate #: IRO4326

TMF Health Quality Institute (TMF) has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Division of Workers' Compensation (DWC) has assigned the above referenced case to TMF for independent review in accordance with DWC Rule §133.308 which allows for medical dispute resolution by an IRO.

TMF has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, 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 was reviewed.

The independent review was performed by a TMF physician reviewer who is board certified in Orthopedic Surgery, by the American Board of Orthopaedic Surgery Inc., licensed by the Texas State Board of Medical Examiners (TSBME) in 1964, and who provides health care to injured workers. This is the same specialty as the treating physician. The TMF physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and 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 IRO. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This patient sustained a work-related injury on ___ when he was shoveling asphalt and experienced low back pain radiating to his legs. An MRI of the lower spine confirmed lumbar disc herniation. The patient has undergone surgery for a 3 level laminectomy at L3-4, L4-5, and L5-S1, as well as diskectomy at L4-L5 with removal of herniated disc. The patient is ambulating with a walker and has fallen several times.

Requested Service(s)

Motorized wheelchair with standard-weight frame and programmable control parameters and safety belt with airplane buckle

Decision

It is determined that the motorized wheelchair with standard-weight frame and programmable control parameters and safety belt with airplane buckle is not medically necessary to treat this patient's condition.

Rationale/Basis for Decision

The medical record documentation indicates that this patient is status-post laminectomy. It is not standard medical practice for a spine surgeon to recommend a motorized wheelchair following this type of procedure. In addition, the Official Disability Guidelines: ODG Treatment in Workers' Comp, 2005, Third Edition, Work Loss Data Institute, contains no such recommendation. The medical record documentation indicates that the patient was appropriately ambulating post surgically with a walker and therefore a motorized wheelchair is not recommended for this patient.

This decision by the IRO is deemed to be a DWC decision and order.

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.

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.5(d)). A request for hearing and a **copy of this decision** must be sent to: Chief Clerk of Proceedings/Appeals Clerk, Texas Department of Insurance, Division of Workers' Compensation, P.O. Box 17787, Austin, Texas, 78744, Fax: 512-804-4011.

M2-06-0099-01

Page 3

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon B. Strom, Jr.", written in a cursive style.

Gordon B. Strom, Jr., MD
Director of Medical Assessment

GBS:dm
Attachment

cc: Program Administrator, Medical Review Division, DWC

In accordance with Division Rule 102.4 (h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 18th day of November 2005.

Signature of IRO Employee:

Printed Name of IRO Employee: