

**Envoy Medical Systems, LP**  
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IRO Certificate #4599

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**NOTICE OF INDEPENDENT REVIEW DECISION**

November 18, 2005

**Re: IRO Case # M2-06-0147-01 \_\_\_\_**

Texas Department of Insurance, Division of Workers' Compensation:

Envoy Medical Systems, LP (Envoy) has been certified as an independent review organization (IRO) by the Texas Department of Insurance and has been authorized to perform independent reviews of medical necessity for Division of Workers' Compensation cases. Texas HB. 2600, Rule 133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that the Division of Workers' Compensation assign cases to certified IROs, this case was assigned to Envoy for an independent review. Envoy has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, Envoy received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a physician who is Board Certified in Neurological Surgery, and who has met the requirements for the Division of Workers' Compensation Approved Doctor List or who has been granted an exception from the ADL. He or she has signed a certification statement attesting that no known conflicts of interest exist between him or her and the injured employee, the injured employee's employer, the injured employee's insurance carrier, the utilization review agent, any of the treating physicians or providers, or any of the physicians or providers who reviewed the case for a determination prior to referral to Envoy for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The determination of the Envoy reviewer who reviewed this case, based on the medical records provided, is as follows:

Medical Information Reviewed

1. Table of disputed services
2. Denial letters

3. Letter 9/19/05, follow up notes 10/04 – 9/05, Dr. Rosenstein
4. Electrodiagnostic test report 12/31/03
5. ESI operative report 5/19/03
6. Lumbar MRI report 10/4/02

History

The patient is a 45-year-old female who was injured and developed back and neck pain in \_\_\_\_\_. The back pain soon became the most prominent pain, and a diagnosis of lumbar facet syndrome was made. Despite extensive conservative measures, the patient continued to have severe discomfort off and on over several years. A 10/4/03 MRI showed facet joint changes, especially at L5-S1 and facet hypertrophy.

Requested Service(s)

Lumbar facet injection L3-4, L4-5, L5-S1

Decision

I disagree with the carrier's decision to deny the requested facet injections at the lower three levels of the lumbar spine.

Rationale

The patient has had increased discomfort in her back in the past several months, and this, on examination, suggests facet difficulty because she has limited extension in the lumbar spine to five degrees. The patient has had previous facet injections that were very helpful in 2002, and her imaging studies suggest facet change as a potential source of her pain.

This medical necessity decision by an Independent Review Organization is deemed to be a Worker's Compensation decision and order.

**YOUR RIGHT TO APPEAL**

If you are unhappy with all or part of this decision, you have a right to appeal the decision. The decision of the Independent Review organization is binding during the appeal process.

If you are disputing a decision other than a spinal surgery prospective decision, the appeal must be made directly to the district clerk in Travis County (see Texas Labor Code sec. 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.

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Daniel Y. Chin, for GP

In accordance with Commission Rule 102.4 (b), I hereby certify that a copy of this Independent Review Organization (IRO) decision was sent to the carrier and the requestor or claimant via facsimile or US Postal Service from the office of the IRO on this 21<sup>st</sup> day of November 2005.

Signature of IRO Representative:

Printed Name of IRO Representative: Alice McCutcheon

Requestor: Dr. J. Rosenstein, Attn Jennifer, Fx 817-465-2275

Respondent: ACE Ins of Texas/ Pacific Employers/ ESIS, Attn Shelly Smith, Fx 972-465-7964

Texas Department of Insurance, Division of Workers' Compensation: Fx 804-4871 Attn: