

Parker Healthcare Management Organization, Inc.

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Certificate # 5301

December 27, 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: M2-06-0386-01
RE: Independent review for _____

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

- Parker Healthcare Management received notification of independent review by UPS on 12.5.05.
- Faxed request for provider records made on 12.6.05.
- The case was assigned to a reviewer on 12.15.05.
- The reviewer rendered a determination on 12.27.05.
- The Notice of Determination was sent on 12.27.05.

The findings of the independent review are as follows:

Questions for Review

Medical necessity of the request for preauthorization for C3-4 and C6-7 anterior cervical discectomy and fusion with orion plates and illiac crest bone graft

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 on the job injury on _____, while employed with Bessar Appco.

Clinical Rationale

Mr. _____ reported to Dr. Jones that he has had no improvement despite his surgeries and care since the work injury 16 years previously. Mr. _____ reported continued weakness, numbness, and pain in both upper extremities. He was applying for SSDI. The results of the cervical discogram in 2005 were

quite variable with a normal C3-4 discogram in February 2005 and a markedly abnormal C3-4 discogram in March 2005. The patient had a C6-7 fusion attempt in 2003 and this level has an equivocal fusion.

Mr. ___ has psoriasis and is a diabetic. He has been apparently evaluated and treated by a psychiatrist. The validity of discograms is at best equivocal even if there are no psychiatric issues. Thus, the results of the discograms performed do not confirm the pain generator nor is the discogram predictive of the pain resolution if there were a healed fusion.

Given the report of Dr. Jones and the clinical records for review, the proposed surgery is unlikely to result in any major improvement in Mr. ___'s pain control and would be a higher risk procedure. Thus, this procedure as requested is not a medical necessity and is not approved. Thus uphold the denial.

Clinical Criteria, Utilization Guidelines or other material referenced

1. Carragee *et. al.* *Spine* 2000; 25: 1373-1381
2. Carragee *et. al.* *Spine* 1999; 24: 2542-2547

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 the treating and/or referring 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. 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 27th day of December, 2005.

Meredith Thomas
Administrator
Parker Healthcare Management Organization, Inc.

CC: Karl Swann, M.D.
Attn: Michelle Hernandez
Fax: 210.949.0171

Liberty Mutual
Attn: Carolyn Guard
Fax: 574.258.5349

[Claimant]