

February 14, 2006

VIA FACSIMILE
Jacob Rosenstein, MD
Attention: Jennifer Negri

VIA FACSIMILE
SORM
Attention: Jennifer Dawson

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-06-0658-01
DWC #:
Injured Employee:
Requestor: Jacob Rosenstein, MD
Respondent: SORM
MAXIMUS Case #: TW06-0016

MAXIMUS has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The MAXIMUS IRO Certificate Number is 5348. The TDI, Division of Workers Compensation (DWC) has assigned this case to MAXIMUS in accordance with Rule §133.308, which allows for a dispute resolution by an IRO.

MAXIMUS has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing physician who is board certified in neurosurgery on the MAXIMUS external review panel who is familiar with the condition and treatment options at issue in this appeal. The reviewer has met the requirements for the approved doctor list (ADL) of DWC or has been approved as an exception to the ADL requirement. A certification was signed that the reviewing provider has no known conflicts of interest between that provider 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 carrier health care providers who reviewed the case for decision before referral to the IRO, was signed. In addition, the MAXIMUS physician reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns an adult female who had a work related injury on _____. The patient reported that while working as a juvenile corrections officer and restraining some teens who were fighting, she was thrown to the ground on her back. She also reported that she developed spine and left leg pain. Diagnoses included radiculopathy, spondylolisthesis and facet degeneration and hypertrophy. Evaluation and treatment have included lumbar facet injections, MRI's, myelography, physical therapy and medications.

Requested Services

Preauthorization for L5-S1 lumbar fusion

Documents and/or information used by the reviewer to reach a decision:

Documents Submitted by Requestor:

1. Neurosurgery Records – 11/28/05
2. Diagnostic Studies (i.e. myelogram, CT scan, etc) – 10/28/05

Documents Submitted by Respondent:

1. Diagnostic Studies (i.e. MRI, CT scan, x-rays, EMG/NCV, etc) – 9/12/03, 10/8/03, 7/28/04, 9/2/04, 10/26/04, 12/16/04, 1/17/05, 10/28/05
2. Neurosurgery Records – 1/26/04, 7/29/04
3. Functional Capacity Evaluation – 1/5/05, 4/20/05
4. Physical Therapy Records – 8/19/03-10/1/03
5. Neurology Records – 10/8/03-12/12/05
6. Designated Medical Examination – 7/1/04
7. Retrospective Review of Records – 12/17/04
8. Utilization Review Findings – 12/12/05, 12/20/05

Decision

The Carrier's denial of authorization for the requested services is upheld.

Standard of Review

This MAXIMUS determination is based upon generally accepted standard and medical literature regarding the condition and services/supplies in the appeal.

Rationale/Basis for Decision

The MAXIMUS physician consultant indicated there was no clearly demonstrated indication for the requested L5-S1 lumbar fusion procedure for this patient. The MAXIMUS physician consultant explained that the patient had no neurological compromise on CT myelography. The MAXIMUS physician consultant also explained that the patient's discogram was negative. The MAXIMUS physician consultant noted the pain is not in the correct distribution for L5-S1 for a lumbar fusion procedure. The MAXIMUS physician consultant noted there is no indication for surgical intervention in this case.

Therefore, the MAXIMUS physician consultant concluded that the requested L5-S1 lumbar fusion procedure is not medically necessary for treatment of the member's condition.

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.

Sincerely,
MAXIMUS

Lisa Gebbie, MS, RN
State Appeals Department

cc: Division of Workers Compensation

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 14th day of February 2006.

Signature of IRO Employee: _____
External Appeals Department