

Envoy Medical Systems, LP
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IRO Certificate #4599

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NOTICE OF INDEPENDENT REVIEW DECISION

February 20, 2006

Re: IRO Case # M2-06-0681 -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, Rule133.308 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 Doctor of Chiropractic, who is licensed in Texas, 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. SRS review 1/5/06
4. Review 21/15/05, Dr. Fahey
5. Work status reports
6. Reports 12/20/05, 12/30/05, 1/6/06 and progress notes, Dr. Hurshman
7. Evaluation reports and progress notes, Dr. Dudas
8. Report 10/17/05, Dr. Courturier
9. MRI report lumbar spine 11/19/05
10. Report 11/15/05, Dr. Kirk
11. Report 12/15/05, Corvel
12. Physical therapy notes, New help Clinics
13. Prescriptions

History

The patient injured his low back in ___ while lifting a seat weighing 60 pounds. He initially saw an M.D., who administered an injection and prescribed physical therapy three times per week for two weeks. He then saw his treating D.C. for chiropractic care. The D.C. treated the patient through 11/11/05, and then referred him for electrodiagnostic studies and possible epidural steroid injections and MRI evaluation.

Requested Service(s)

Physical therapy 3x3.

Decision

I agree with the carrier's decision to deny the requested physical therapy.

Rationale

The patient has had an adequate trial of chiropractic treatment without relief of symptoms and/or improved function. The patient's condition actually deteriorated during treatment with the D.C. There was no improvement in lumbar ROM, and the patient reported radiating pain into the right lower extremity, and tingling in the right foot, which started several weeks after treatment began. This would indicate that treatment was inappropriate and probably iatrogenic. Chiropractic treatment should not aggravate conditions or cause complications. On 1/4/06 the patient appeared with an antalgic gait and exhibited considerable guarding with movement on the exam table, and severe muscle spasms upon palpation of the lumbar paraspinal musculature. There was weakness with right foot plantar flexion with a I+ DTR of the right Achilles. Nachlas', SLR and Yoeman's tests were still positive, as they were initially. D.C. treatment had failed to help this patient. Further active physical therapy could aggravate the patient's condition.

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.

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 21st day of February 2006.

Signature of IRO Representative:

Printed Name of IRO Representative: Alice McCutcheon

Requestor: Dr. S. Dudas, Fx 817-640-6162

Respondent: Zurich American Ins., Attn C. Migilis, Fx 877-538-2248

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