



Specialty Independent Review Organization, Inc.

February 28, 2006

DWC Medical Dispute Resolution
7551 Metro Center Suite 100
Austin, TX 78744

Patient: ____
DWC #: ____
MDR Tracking #: M2-06-0774-01
IRO #: 5284

Specialty IRO has been certified by the Texas Department of Insurance as an Independent Review Organization. The TDI-Division of Workers' Compensation has assigned this case to Specialty IRO for independent review in accordance with DWC Rule 133.308, which allows for medical dispute resolution by an IRO.

Specialty IRO has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

This case was reviewed by a licensed Doctor of Osteopathy with a specialty in Orthopedics. The reviewer is on the DWC ADL. The Specialty IRO health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors or providers who reviewed the case for a determination prior to the referral to Specialty IRO for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

CLINICAL HISTORY

This 31 year old male injured his low back when lifting a fire hydrant meter weighing approximately 90 pounds. The patient felt immediate pain in his lumbar spine. The patient had an extensive conservative care course that failed.

Diagnostic workup consisted of an EMG, lumbar spine X-rays, CT scan, discogram, and an MRI. Patient received various types of nerve blocks, physical therapy, and medications. Because the patient failed to respond, a 360 lumbar fusion at L5-S1 was done on 8/02/2004.

Following surgery the patient progressed satisfactorily, but now has increasing pain at the surgical site. X-rays reveal a solid lumbar fusion at L5-S1. There is marked tenderness overlying the pedicle screws with reproduction of his pain on palpation. On 11/28/2005 a diagnostic injection at the screw sites resulting in a significant decrease in the symptoms. The patient has prominent hardware over which a painful bursa has developed.

RECORDS REVIEWED

IMO, Letters: 12/28/2005 and 1/11/2006.

Records from Carrier:

IMO, Letter: 2/8/2006.

R Blair MD, EMG: 2/26/2000.

Eastside Imaging, X-rays: 10/5/2000, MRI 12/1/2000.

K Berliner MD, Reports: 8/15 and 11/28/2005.

Gulf Coast Diagnostic, CT: 12/1/2004 and 8/1/2005.

Downtown Plaza Imaging, Discogram: 6/19/2002.

J Ghadially MD, OP Note: 8/2/2004.

S Nguyen MD, ESI: 12/15/2000 to 4/10/2001.

AAOS Article, pp. 333-341.

Records from Doctor/Facility:

Lonestar Ortho, Reports: 12/3/2001 through 1/23/2006.

TMF, Letter: 11/11/2005.

A Bisson MD, Letter: 7/29/2003.

J Keepers MD, Reports: 10/4/2002 through 1/17/2003.

G Salazar MD, Reports: 6/3 and 10/16/2002.

G Strom MD, Report: 9/23/2002.

ACM, Letter: 6/20/2002.

G Nelson MD, Report: 11/13/2001.

B Powell DC, Reports: 9/25 and 10/30/2001.

Z Cupic MD, Report: 7/30/2001.

M McDonnell MD, Reports: 11/21/2000, 5/21/2001.

Monarch Pain Center, Reports: 9/12/2000, 3/28/2001.

P Nelson MD, Report: 11/14/2000.

REQUESTED SERVICE

The requested service is an exploration of spinal fusion and removal of posterior instrumentation.

DECISION

The reviewer disagrees with the previous adverse determination.

BASIS FOR THE DECISION

This 31 year old male has a solid fusion at L5-S1, but has developed pain due to the posterior instrumentation. The diagnostic injection gave the temporary relief indicating the symptoms are related to the hardware. The patient has a 360 fusion and the X-rays show solid fusion, so the removal of the posterior instrumentation is indicated.

REFERENCES

Gunzburg and Szpalski: The Failed Spine.

Rothman and Simeon: THE SPINE, 4th Edition.

An: PRINCIPLES AND TECHNIQUES OF SPINE SURGERY.

Specialty IRO has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. Specialty IRO has made no determinations regarding benefits available under the injured employee's policy. Specialty IRO believes it has made a reasonable attempt to obtain all medical records for this review and afforded the requestor, respondent and treating doctor an opportunity to provide additional information in a convenient and timely manner.

As an officer of Specialty IRO, Inc, dba Specialty IRO, I certify 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.

Sincerely,

Wendy Perelli, CEO

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,

Wendy Perelli, CEO

I hereby certify, in accordance with DWC- Rule 102.4 (h), that a copy of this Independent Review Organization decision was sent to the carrier, requestor, claimant (and/or the claimant's representative) and the Division via facsimile, U.S. Postal Service or both on this 28th day of February 2006

Signature of Specialty IRO Representative:

Name of Specialty IRO Representative: Wendy Perelli