

NOTICE OF INDEPENDENT REVIEW DECISION

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March 24, 2006

Requestor

Respondent

American Home Assurance c/o ARCM I  
ATTN: Raina Robinson  
P.O. Box 115114  
Carrollton, TX 75011-5114

RE: Claim #:  
Injured Worker:  
MDR Tracking #: M2-06-0821-01  
IRO Certificate #: IRO4326

TMF Health Quality Institute (TMF) has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Division of Workers' Compensation (DWC) has assigned the above referenced case to TMF for independent review in accordance with DWC Rule §133.308 which allows for medical dispute resolution by an IRO.

TMF has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a TMF physician reviewer who is board certified in Orthopedic Surgery, by the American Board of Orthopaedic Surgery, Inc., licensed by the Texas State Board of Medical Examiners (TSBME) in 1964, and who provides health care to injured workers. This is the same specialty as the treating physician. The TMF physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and the 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. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This patient sustained a work-related injury on \_\_\_ when a pool table fell on to his shoulder. This resulted in a rotator cuff type tear with neck, mid back, low back and left shoulder pain, as well as headaches.

Requested Service(s)

Lumbar facet blocks

Decision

It is determined that the lumbar facet blocks are not medically necessary to treat this patient's condition.

Rationale/Basis for Decision

The medical record documentation is absence, consistently, of any identifiable injury produced pathology or sequelae. There is no documentation that the situation produced injury to the low back facet joints. Significant pre-existing pathology is identified, both musculoskeletal and cardiovascular. MRI films of 09/20/2004, at the time of the injury, showed pre-existing degenerative arthritis at multiple levels. Degenerative arthritis is part of life with pre-existence herein. Similarly, cervical multiple levels of degenerative arthritis were noted on testing of the same date. CT scan was unremarkable.

Specifically, lumbar facet injections are not indicated. The evidence-based medical assessment of the therapeutic benefit of facet joints is controversial. Back Letter, Vol. 20, No. 9, September 2005, states: "There is no clear evidence ... not statistically significant or clinically significant differences in outcomes among patients treated ..."

This decision by the IRO is deemed to be a DWC decision and order.

**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.

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.5(d)). A request for hearing and a **copy of this decision** must be sent to: Chief Clerk of Proceedings/Appeals Clerk, Texas Department of Insurance, Division of Workers' Compensation, P.O. Box 17787, Austin, Texas, 78744, Fax: 512-804-4011.

M2-06-0821-01  
Page 3

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in this dispute.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon B. Strom, Jr.", written in a cursive style.

Gordon B. Strom, Jr., MD  
Director of Medical Assessment

GBS:dm  
Attachment

cc: Program Administrator, Medical Review Division, DWC

In accordance with Division Rule 102.4 (h), 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 24th day of March 2006.

Signature of IRO Employee:

Printed Name of IRO Employee:

**Information Submitted to TMF for Review**

**Patient Name:**

**Tracking #: M2-06-0821-01**

**Information Submitted by Requestor:**

**None**

**Information Submitted by Respondent:**

- **IRO Summary**
- **Determination Notice**
- **Employer's First Report of Injury or Illness**
- **Notice of disputed Issue(s) and Refusal to Pay Benefits**
- **ER records**
- **Radiographic imaging reports**
- **Office notes**
- **Chiropractic office notes**
- **Range of motion study**
- **Nerve conduction velocity studies and upper extremity evoked potentials.**
- **Ultrasound examinations and reports**
- **Letters from neurosurgeon**
- **Peer Review Report**
- **Functional Assessment Reports**
- **Functional Capacity Evaluations**
- **Clinic Notes**
- **Report of needle electromyography and consultation**
- **Follow up evaluations**
- **Audiological Evaluation**
- **Orthopedic consultation and reports**