

Envoy Medical Systems, LP
1726 Cricket Hollow
Austin, Texas 78758

PH. 512/248-9020
IRO Certificate #4599

Fax 512/491-5145

NOTICE OF INDEPENDENT REVIEW DECISION

June 9, 2006

Re: IRO Case # M2-06-1225 -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, Rule 133.308 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 physician who is Board Certified in Anesthesiology and Pain Management, 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. RME 1/20/06, Dr. Andrew

4. Reconsideration request 4/4/06, Dr. Garza-Sanchez
5. Physical therapy notes, Action Physical Therapy
6. Notes 2/05 –10/05 Dr. Chapanos
7. MRI report lumbar spine 3/4/05
8. X-ray report 12/16/05
9. Report 3/9/06, South Texas Chronic Pain Institute
10. Reports 3/24/05, 5/3/05, 8/30/05, Dr. Marquez
11. Individual therapy notes, South Texas Chronic Pain Institute
12. FCE report 7/21/05
13. Follow up report 3/28/06, Initial examination report 12/6/05, Dr. Avila
14. Notes, Occupational Medical Group

History

The patient is a 57-year-old male who has had pain in the low back, radiating into the left leg since a ___ injury. Physical therapy and trigger point injections were performed without benefit. Psychotherapy and medications have also been utilized. Epidural steroid injections have been recommended, but not performed. The leg pain has improved, but low back pain persists. An MRI indicates degenerative disk disease and facet arthropathy.

Requested Service(s)

10 sessions of chronic pain mgmt.

Decision

I agree with the carrier's decision to deny the requested pain management.

Rationale

The patient has evidence of facet syndrome in the low back, which has not been addressed. Pursuing facet protocol per ISIS to establish the diagnosis, then an RF procedure may provide pain relief that would enable the patient to resume activities of daily living and work activities. The patient has had psychological therapy, physical therapy and work hardening, which are major components of a behavioral pain management program. Efforts should be directed toward establishing a diagnosis rather than entertaining multiple diagnoses, and then utilizing appropriate treatment modalities. This approach is supported by Chapter 18, *Medical Management of Acute and chronic Back Pain*, 2002

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 12th day of June 2006.

Signature of IRO Representative:

Printed Name of IRO Representative: Alice McCutcheon

Requestor: Elisa Garza Sanchez, Attn Zarina Tijerina, Fx 956-631-6125

Respondent: Indemnity Ins Co, Attn Javier Gonzalez, Fx 394-1412

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