

NOTICE OF INDEPENDENT REVIEW DECISION

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June 1, 2006

Requestor

Manjit Randhawa, DO
ATTN: Darla
146 Hospital Drive, #209
Angleton, TX 77515

Respondent

Bankers Standard Insurance Co.
ATTN: Javier Gonzalez
Fax# (512) 394-1412

RE: Claim #:
Injured Worker:
MDR Tracking #: M2-06-1273-01
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 Pain Management, by the American Board of Anesthesiology, licensed by the Texas State Board of Medical Examiners (TSBME) in 1989, 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 ___ resulting in low back pain radiating to both extremities. The patient has undergone treatments including epidural steroid injections. Despite minimally positive MRI and EMG results, he has not responded to treatment.

Requested Service(s)

Lumbar myelogram

Decision

It is determined that the lumbar myelogram is not medically necessary to treat this patient's condition

Rationale/Basis for Decision

This is a 20 year old male with minimally evident pathology on the MRI according to the radiologist. He has very minimal bulging at L4-5 and minimal bulging at L5-S1 without evidence of eccentricity or prolapse on studies. The patient has not responded to very aggressive therapy and injections of epidural hypertonic saline series twice. The patient is also depressed. The physical examination finds no neurological deficits. The neurologist interpreted the EMG as having "a few fibrillations... Thus this patient has an element of S1 radiculopathy on the right". However, he goes on to say he suspects that most of the pain is myofascial and from sacroiliac sprain, discounting the evidence from his own EMG. The spine surgeon consultant did not think the patient was a surgical candidate either. As such, with an essentially normal or minimally positive MRI and EMG, and given a negative examination, it is unlikely that any significant findings will occur from a myelogram.

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.

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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,



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

GBS:dm
Attachment

cc: Injured Worker
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 1st day of June 2006.

Signature of IRO Employee:

Printed Name of IRO Employee:

Information Submitted to TMF for Review

Patient Name: ____

Tracking #: M2-06-1273-01

Information Submitted by Requestor:

- Decision Letters
- Crawford Utilization Review Referral Form
- Contact Notes
- Discharge Summary
- Report of Operation
- Laboratory Results
- Progress Notes
- Letter from Dr. Goldstein
- Report of MRI of the lumbar spine
- Office Notes Dr. Kilian
- Progress Notes Dr. Manjit
- History and Physical

Information Submitted by Respondent:

None