



PROFESSIONAL ASSOCIATES

NOTICE OF INDEPENDENT REVIEW

NAME OF PATIENT: _____
IRO CASE NUMBER: M2-06-1317-01
NAME OF REQUESTOR: _____
NAME OF PROVIDER: Ralph F. Rashbaum, M.D.
REVIEWED BY: Board Certified in Orthopedic Surgery
IRO CERTIFICATION NO: IRO 5288
DATE OF REPORT: 06/28/06

Dear Mr. ____:

Professional Associates has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO) (#IRO5288). Texas Insurance Code Article 21.58C, effective September 1, 1997, allows a patient, in the event of a life-threatening condition or after having completed the utilization review agent's internal process, to appeal an adverse determination by requesting an independent review by an IRO.

In accordance with the requirement for TDI-Division of Workers' Compensation (DWC) to randomly assign cases to IROs, DWC has assigned your case to Professional Associates for an independent review. The reviewing physician selected has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, the reviewing physician reviewed 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.

This case was reviewed by a physician reviewer who is Board Certified in the area of Orthopedic Surgery and is currently listed on the DWC Approved Doctor List.

I am the Secretary and General Counsel of Professional Associates and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him the provider, the injured employee, the injured

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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 Independent Review Organization.

REVIEWER REPORT

Information Provided for Review:

Evaluations by Mark B. Layman, M.D. dated 03/01/04, 03/16/04, 03/30/04, and 04/14/04

Laboratory studies dated 03/01/04, 03/02/04, and 03/16/04

X-rays of the abdomen and an ultrasound of the kidneys interpreted by Dr. Shippey (credentials were not provided on 03/16/04

X-rays of the lumbar spine and an ultrasound of the kidneys dated 03/30/04 from Dr. Shippey

Additional x-rays of the lumbosacral spine interpreted by Mark McClanahan, D.O. at Brownfield Family Physicians dated 06/02/04

Evaluations with Dr. McClanahan dated 06/02/04, 06/09/04, 06/23/04, 06/30/04, 07/14/04, 08/04/04, 08/26/04, 09/03/04, 09/23/04, 10/08/04, 11/08/04, 11/23/04, 12/08/04, 12/23/04, and 02/14/05

An MRI of the lumbar spine dated 06/25/04 interpreted by Jay Scherr, M.D.

Examination by James D. Cable, M.D. at Texas Back Institute dated 11/05/04 and 01/14/05

An operative report dated 12/14/04 from David Hagstrom, M.D.

A consultation at Texas Back Institute from Ralph Rashbaum, M.D.

X-rays of the chest dated 02/12/05 and interpreted by Dr. McClanahan

An internal medicine consultation dated 02/22/05 from Ronald G. Angus, Jr., M.D.

An operative report dated 02/22/05 from Sandra V. Moore, M.D.

An intraoperative report dated 02/22/05 from Pedro Nosnik, M.D.

Evaluations with Dr. Rashbaum dated 03/10/05, 08/04/05, 09/15/05, 10/13/05, 12/01/05, 12/29/05, 02/21/06, and 03/21/06

Physical therapy notes with Mitch Bogdanffy (credentials were not provided) and Dr. Rashbaum dated 03/29/05, 03/30/05, 04/06/05, 04/07/05, 04/12/05, 04/14/05, 04/19/05, 04/21/05, 04/26/05, 04/28/05, 05/03/05, 05/05/05, 05/10/05, 05/17/05, 05/19/05, 05/25/05, 05/26/05, 05/31/05, 06/02/05, 06/07/05, 06/09/05, 06/14/05, 06/16/05, 06/21/05, 06/23/05, and 06/30/05

A Functional Capacity Evaluation (FCE) dated 07/15/05 with William H. Dodson, P.T.

A CT scan of the lumbar spine interpreted by Marlon Hughes (no credentials listed) dated 10/11/05

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A physical therapy progress report from M. Harvey, S.P.T. and Shane Wimmer, P.T. dated 10/12/05

A lumbar myelogram CT scan interpreted by Dr. Hughes dated 12/15/05

An evaluation and EMG/NCV study with Manju Nath, M.D. dated 12/21/05

A Designated Doctor Evaluation with Ronald B. Heisey, M.D. dated 02/16/06

A letter of denial from John Obermiller, M.D. dated 03/07/06

A psychological evaluation with David T. Hanks, Ph.D. dated 03/15/06

A letter of non-authorization from Geoffrey Ndeto, M.D. dated 04/04/06

An evaluation with Lori Mock, P.A.-C. for Dr. Cable dated 05/30/06

A DWC-73 form from Dr. Rashbaum dated 05/30/06

A letter of non-authorization from LaTreace E. Giles, R.N. at Texas Mutual dated 06/13/06

Clinical History Summarized:

On 03/16/04, Dr. Layman recommended physical therapy, continued Zanaflex, a renal ultrasound, and continued Cardura. X-rays of the lumbosacral spine interpreted by Dr. McClanahan on 06/02/04 were unremarkable. Dr. McClanahan also performed bilateral SI joint injections on 06/02/04. An MRI of the lumbar spine interpreted by Dr. Scherr on 06/25/04 revealed bulging L4-L5 and L5-S1 discs. On 09/03/04, Dr. McClanahan recommended a possible epidural steroid injection (ESI). On 11/05/04, Dr. Cable recommended a lumbar discogram and possible surgery. A lumbar discogram performed on 12/14/04 and interpreted by Dr. Hagstrom revealed concordant pain at L4-L5 and L5-S1. Lumbar surgery was performed by Dr. Rashbaum on 02/22/05. Physical therapy was performed with Mr. Bogdanffy from 03/29/05 through 06/30/05 for a total of 26 sessions. An FCE with Mr. Dodson on 07/15/05 revealed the patient needed a work conditioning program. On 09/15/05, Dr. Rashbaum recommended a urological evaluation. A CT scan of the lumbar spine interpreted by Dr. Hughes on 10/11/05 revealed prosthetic discs at L4-L5 and L5-S1 with a mild disc bulge at L3-L4. A lumbar myelogram CT scan interpreted by Dr. Hughes on 12/15/05 revealed good positioning of the lumbar disc prosthesis at L4-L5 and L5-S1. An EMG/NCV study interpreted by Dr. Nath on 12/21/05 revealed left peroneal motor neuropathy. On 12/29/05, Dr. Rashbaum recommended bilateral L4-L5 and L5-S1 facet injections. On 02/16/06, Dr. Heisey felt the patient was not at Maximum Medical Improvement (MMI) and recommended an ESI, exercise program, and weight reduction. On 02/21/06, Dr. Cable recommended a trial dorsal column stimulator. On 03/07/06, Dr. Obermiller wrote a letter of denial for the trial spinal cord stimulator. On 03/15/06, Dr. Hanks felt the patient was a good psychological candidate for the spinal cord stimulator. On 03/21/06, Dr. Rashbaum wrote a letter requesting spinal cord stimulator trial. On 04/04/06, Dr. Ndeto wrote a letter of non-authorization for the spinal cord stimulator trial. On

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06/13/06, Ms. Giles from Texas Mutual Insurance wrote a letter upholding the denial for the spinal cord stimulator.

Disputed Services:

Spinal stimulator implantation trial and implantation

Decision:

I disagree with the requestor. The spinal stimulator implantation trial and implantation would be neither reasonable nor necessary.

Rationale/Basis for Decision:

The spinal cord stimulator is a last ditch effort in somebody who has been non-functional due to pain. The patient was noted to be moderately depressed. He has a healed fusion. In review of this record, the patient has a healed fusion on a CT myelogram on 10/11/05. The patient underwent some physical therapy, but has not exhausted all lesser form of treatment. This should certainly be attempted before an invasive spinal cord stimulator be trialed. In addition, while the patient has some complaints of pain in his leg, there was no evidence of neurological compression. Spinal cord stimulation is less effective against the axial pain that has been the patient's primary complaint. In my opinion, the patient would not be a candidate for a spinal cord stimulator.

Criteria used include the textbook Rathman and Simeone, The Spine, as well as a rationale for the treatment algorithm of failed back surgery, which was published in the current review of pain in the year 2000.

The rationale for the opinions stated in this report are based on clinical experience and standards of care in the area as well as broadly accepted literature which includes numerous textbooks, professional journals, nationally recognized treatment guidelines and peer consensus.

This review was conducted on the basis of medical and administrative records provided with the assumption that the material is true and correct.

This decision by the reviewing physician with Professional Associates is deemed to be a Division decision and order.

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YOUR RIGHT TO REQUEST A HEARING

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. A request for a hearing should be faxed to 512-804-4011 or sent to:

Chief Clerk of Proceedings/Appeals Clerk
TDI-Division of Workers' Compensation
P. O. Box 17787
Austin, TX 78744

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

I hereby verify that a copy of this Independent Review Organization's decision was sent to the respondent, the requestor, DWC, and the patient via facsimile or U.S. Postal Service this day of 06/28/06 from the office of Professional Associates.

Sincerely,

Lisa Christian
Secretary/General Counsel