

October 12, 2006

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VIA FACSIMILE
Old Republic Insurance Company
Attention: Neal Moreland

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-06-1328-01
DWC #: _____
Injured Employee: _____
Requestor: _____
Respondent: Old Republic Insurance Company
MAXIMUS Case #: TW06-0083

MAXIMUS has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The MAXIMUS IRO Certificate Number is 5348. The TDI, Division of Workers Compensation (DWC) has assigned this case to MAXIMUS in accordance with Rule §133.308, which allows for a dispute resolution by an IRO.

MAXIMUS has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing physician who is board certified in orthopedic surgery on the MAXIMUS external review panel who is familiar with the condition and treatment options at issue in this appeal. The reviewer has met the requirements for the approved doctor list (ADL) of DWC or has been approved as an exception to the ADL requirement. A certification was signed 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, was signed. In addition, the MAXIMUS physician reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a 45-year old male who sustained a work related injury on _____. Records indicate that he complained of low back pain since 2/3/93. Records also noted that while at work, he was removing 4" bolts in a twisting motion after which he developed mild pain that progressed on a steady basis. Diagnoses have included lumbar spondylolysis, lumbago, lumbar radiculopathy. Evaluation and treatment for this injury have included discectomy (1996), chiropractic services, medications, MRI, and a walking cane.

Requested Services

Preauthorization for lumbar transforaminal epidural injection.

Documents and/or information used by the reviewer to reach a decision:

Documents Submitted by Requestor:

1. None submitted

Documents Submitted by Respondent:

1. Determination Notice – 3/22/06
2. Texas Back and Neck Institute Records – 1/6/06 3/3/06, 3/15/06, 3/29/06,

Decision

The Carrier's denial of authorization for the requested services is upheld.

Standard of Review

This MAXIMUS determination is based upon generally accepted standard and medical literature regarding the condition and services/supplies in the appeal.

Rationale/Basis for Decision

The MAXIMUS physician consultant indicated that the medical literature does not support the use of a lumbar transforaminal epidural steroid injection in this case. The MAXIMUS physician consultant noted that this patient has chronic back pain and has already had discectomy surgery. The MAXIMUS physician consultant also indicated steroid injection is not likely to improve this patient's back pain. The MAXIMUS physician consultant explained that the requested steroid injection is not likely to provide lasting relief of the patient's back pain. (van Tulder MW, et al. Outcome of invasive treatment modalities on back pain and sciatica: an evidence-based review. Eur Spine J. 2006 Jan;15 Suppl 1:S82-92. Epub 2005 Dec 1.).

Therefore, the MAXIMUS physician consultant concluded that the requested preauthorization for lumbar transforaminal epidural injection is not medically necessary for treatment of the patient's condition.

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,
MAXIMUS

Lisa Gebbie, MS, RN
State Appeals Department

cc: Division of Workers Compensation

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 12th day of October 2006.

Signature of IRO Employee: _____
External Appeals Department