

# Parker Healthcare Management Organization, Inc.

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Certificate # 5301

July 6, 2006

**ATTN: Program Administrator**

**Texas Department of Insurance/Workers Compensation Division**

7551 Metro Center Drive, Suite 100

Austin, TX 78744

Delivered by fax: 512.804.4868

## Notice of Determination

MDR TRACKING NUMBER: M2-06-1398-01  
RE: Independent review for \_\_\_\_

The independent review for the patient named above has been completed.

- Parker Healthcare Management received notification of independent review on 6.1.06.
- Faxed request for provider records made on 6.2.06.
- Order for Production of records was issued on 6.14.06.
- The case was assigned to a reviewer on 6.23.06.
- The reviewer rendered a determination on 7.5.06.
- The Notice of Determination was sent on 7.6.06.

The findings of the independent review are as follows:

### Questions for Review

Medical necessity of repeat discogram at L3-4 and L5-S1

### Determination

PHMO, Inc. has performed an independent review of the proposed care to determine if the adverse determination was appropriate. After review of all medical records received from both parties involved, the PHMO, Inc. physician reviewer has determined to **uphold the denial** on the requested service(s).

### Summary of Clinical History

Mr. \_\_\_\_ sustained a work related on the job injury on \_\_\_\_, while employed with Tyler Pipe.

### Clinical Rationale

The patient had a discogram on August 11, 2004 and the impression was disc degenerative pattern at L4-L5. Normal at L1-L2, L2-L3, L3-L4, and L5-S1. It was determined that the patient had one-level disc disease. Subsequently, it was determined that the patient would do well with a fusion, which was done on 11/15/2004. The patient generally did not improve after surgery. The patient generally did not improve after any subsequent or prior treatments. The patient had a repeat MRI in August 2005 and it did not demonstrate significant new findings except those secondary to surgery.

The value of discography remains controversial. A review of the papers supplied by Stone Loughlin and Swanson, LLP and reference articles presented were reviewed as they have been in the past in terms of the articles and they are agreed with. Additionally, discogenic pain responds less favorably to surgery than other conditions of the lumbar spine and this is best treated by non-operative means. In rare situations where all conservative measures have been exhausted and the condition is limited to a single disc space, fusion can be successful in relieving the painful symptoms. Multi-level discogenic pain responds poorly to fusion.

Therefore, since the patient has failed one fusion for discogenic disease, it seems highly unlikely that the patient would benefit from any other fusions based upon discogenic disease.

## Clinical Criteria, Utilization Guidelines or other material referenced

\*\* Reference American Academy of Orthopedic Surgeons on spine disc disease.

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The reviewer for this case is a Medical Doctor licensed by the Texas State Board of Medical Examiners. The reviewer is a diplomate of the American Board of Orthopedic Surgery, and is engaged in the full time practice of medicine.

The review was performed in accordance with Texas Insurance Code 21.58C and the rules of Texas Department of Insurance /Division of Workers' Compensation. In accordance with the act and the rules, the review is listed on the DWC's list of approved providers or has a temporary exemption. The review includes the determination and the clinical rationale to support the determination. Specific utilization review criteria or other treatment guidelines used in this review are referenced.

The reviewer signed a certification attesting that no known conflicts-of-interest exist between the reviewer and the treating and/or referring 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. The reviewer also attests that the review was performed without any bias for or against the patient, carrier, or other parties associated with this case.

### 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. The address for the Chief Clerk of Proceedings would be: P.O. Box 17787, Austin, Texas, 78744.

I hereby verify that a copy of this Findings and Decision was faxed to the Texas Department of Insurance /Division of Workers Compensation, the requestor (if different from the patient) and the respondent. I hereby verify that a copy of this Findings and Decision was mailed to the injured worker (the requestor) applicable to Commission Rule 102.5 this 6<sup>th</sup> day of July 2006.

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Meredith Thomas  
Administrator  
Parker Healthcare Management Organization, Inc.

CC:

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Midwest Employers  
Attn: Jane Stone  
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