Parker Healthcare Management Organization, Inc.
4030 N. Beltline Road, Irving, TX 75038
972.906.0603 972.255.9712 (fax)
Certificate # 5301

December 1, 2005

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: M2-06-0217-01
RE: Independent review for ___

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

- Parker Healthcare Management received notification of independent review on 11.04.05.
- Faxed request for provider records made on 11.04.05.
- The case was assigned to a reviewer on 11.17.05.
- The reviewer rendered a determination on 11.30.05.
- The Notice of Determination was sent on 12.01.05.

The findings of the independent review are as follows:

Questions for Review

Medical necessity of the 4 day inpatient stay for L5-S1 anterior discectomy, anterior Lumbar interbody fusion with cages, bone graft and laminectomy L5-S1, postlateral fusion L5-S1 with pedicle screws and epidural.

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

The patient sustained a work related job injury on ___, while employed with .

Clinical Rationale

The selection of patients for surgical disc excision and fusion is a complex issue. Ms. ___ had several evaluations that noted rather diffuse pain, depression, and giveway weakness to name a few parameters that portend a poor prognosis for discogenic pain surgical intervention. There was no psychological assessment of her pain behavior or tolerance prior to the discography. Despite surgery to her ankle and

shoulder, she has significant pain in all these areas per Dr. Dent. Despite her alleged upper extremity weakness and radiculopathy, the neurosurgeon found no indication for any cervical spine surgery.

The literature cited by Dr. Berliner does not include the prospective studies by Carragee, et. al. regarding the use and validity of discography especially if there is compensation or other psychological issues present.

Given the totality of her records, the proposed fusion operation is not approved as a medical necessity that is likely to result in sustained clinical benefit or resolution of her symptoms.

Clinical Criteria, Utilization Guidelines or other material referenced

- Spine Instructional Course Lectures, 2005, American Academy Orthopedic Surgeons.
- Carragee, et. al. Multiple articles in *Spine,* from 1999 to 2002.

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 1st day of December, 2005.

_____

Meredith Thomas
Administrator
Parker Healthcare Management Organization, Inc.

CC: Kenneth Berliner, M.D.
Attn: Brenda Gonzalez
Fax: 281.875.3285

Texas Mutual
Attn: Richard Ball
Fax: 512.224.3980

[Claimant]