Parker Healthcare Management Organization, Inc.
4030 N. Beltline Road, Irving, TX 75038
972.906.0603 972.906.0615(fax)
Certificate # 5301

June 12, 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: M2-06-1266-01
RE: Independent review for ___

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

- Parker Healthcare Management received notification of independent review on 5.9.06.
- Faxed request for provider records made on 5.9.06.
- TDI-DWC issued an Order for Payment on 5.19.06.
- The case was assigned to a reviewer on 6.1.06.
- The reviewer rendered a determination on 6.9.06.
- The Notice of Determination was sent on 6.12.06.

The findings of the independent review are as follows:

Questions for Review

Medical necessity of posterior Lumbar interbody fusion @ L4-5 with bone growth stimulator for treatment.

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 at

Clinical Rationale

This patient's evaluations had proposed a diagnosis of an L5 spondylolysis, yet this was not confirmed on subsequent radiographs. The neurologic symptoms and alleged signs do not correlate with the MRI. Moreover, the MRI showed disc changes with small central protrusions at L4-5 and L5-S1 as well as minimal central stenosis at L3-4. The lumbar radiographs from 4.21.06 showed L3 through S1 facet arthritis without spondylolysis or spondylolisthesis. The proposed fusion surgery at L4-5 would cause

increased stress on the adjacent levels, which are not normal. The L4-5 level has not been validated as the basis for his back pain symptoms or abnormal neurological findings.

Clinical Criteria, Utilization Guidelines or other material referenced

- Brox *et al Spine* 2003 28(7): 1913-1921. Spine 2 Orthopedic Knowledge Update. American Academy Orthopedics Surgeons.

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 12th day of June 2006.

_____

Meredith Thomas
Administrator
Parker Healthcare Management Organization, Inc.

CC: John Masciale, M.D.
Attn: Sarah Delgado
Fax: 361.806.5040

Texas Mutual
Attn: Richard Ball
512.224.7094