

October 12, 2006

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VIA FACSIMILE  
Texas Mutual Insurance Company  
Attention: Latrice Giles

**NOTICE OF INDEPENDENT REVIEW DECISION**

**RE: MDR Tracking #: M2-07-0048-01**  
**DWC #: \_\_\_\_\_**  
**Injured Employee: \_\_\_\_\_**  
**Requestor: \_\_\_\_\_**  
**Respondent: Texas Mutual Insurance Company**  
**MAXIMUS Case #: TW06-0144**

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 an adult male who sustained a work related injury on \_\_\_\_\_. Records indicate that he reported that while lifting/carrying material (metal tubing) he felt a pop in his back and developed low back pain. Diagnoses have included spondylosis, lumbar lordosis, disc protrusion, facet arthrosis, Evaluation and treatment for this injury have included MRI, x-rays, physical therapy, and medication.

## Requested Services

Preauthorization for posterior lumbar laminectomy with fusion and instrumentation L4-5, L5-S1.

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

### *Documents Submitted by Requestor:*

1. None submitted

### *Documents Submitted by Respondent:*

1. Carrier's Statement - 10/3/06
2. Patient Progress Report – 9/8/04
3. Diagnostic Studies (i.e., MRI, x-ray, etc.) – 9/10/04, 10/6/04, 5/23/05
4. Designated Doctor's Evaluation – 1/4/05
5. South Texas Neurological Center, PA Records – 1/9/05
6. Rio Grande Valley Orthopedic Center Records – 6/22/06, 7/2/06
7. Interventional Treatment Institute Records – 6/29/06
8. Texas Mutual Determination Notices – 8/10/06, 8/21/06

## 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 this patient has had chronic back pain since 2004. The MAXIMUS physician consultant noted that there is documentation of degenerative changes in the lumbar spine. The MAXIMUS physician consultant explained that fusion surgery is not likely to be effective in relieving this patient's back pain. The MAXIMUS physician consultant also explained that the literature does not support fusion for degenerative back pain. The MAXIMUS physician consultant indicated that laminectomy is not an effective procedure for back pain from degeneration. (van Tulder, 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 posterior lumbar laminectomy with fusion and instrumentation L4-5, L5-S1 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 12<sup>th</sup> day of October 2006.

Signature of IRO Employee: \_\_\_\_\_  
External Appeals Department