

October 31, 2006

—
VIA FACSIMILE
American States Insurance Company of Texas/Burns
Attention: Deborah Derrickson

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-07-0098-01
DWC #: _____
Injured Employee: _____
Requestor: _____
Respondent: American States Insurance Company of Texas/Burns
MAXIMUS Case #: TW06-0152

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 40-year old male who sustained a work related injury on _____. The case file records provide no details about the accident. Records do indicate that he has a history of back pain. Diagnoses have included L5-S1 disc herniation, chronic back pain, annular tear L5-S1, borderline caudal stenosis L4-5, posterior disc herniation L4-5, protrusion stenosis and L1-2 with radicular pain symptoms. Treatment for this injury has included medications and injections.

Requested Services

Lumbar ESI L1-2.

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

Documents Submitted by Requestor:

None Submitted

Documents Submitted by Respondent:

1. Determination Notices – 7/28/06, 8/9/06.
2. Orthopedic Evaluation – 9/18/06

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 multiple level degenerative joint disease and borderline lumbar stenosis. The MAXIMUS physician consultant noted that the requested ESI is not medically indicated for treatment of the patient's condition. The MAXIMUS physician consultant explained that the literature does not support ESI for the treatment of multiple level degenerative joint disease and borderline lumbar stenosis. The MAXIMUS physician consultant also explained a meta-analysis of the literature on invasive treatment of low back pain clearly does not support ESI. (van Tulden 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.)

Therefore, the MAXIMUS physician consultant concluded that the requested lumbar ESI L1-2. 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 31st day of October 2006.

Signature of IRO Employee: _____
External Appeals Department