

November 22, 2006

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VIA FACSIMILE  
Safeguard Ins. Co./Cunningham Lindsey  
Attention: Tom Lang

**NOTICE OF INDEPENDENT REVIEW DECISION**

**RE: MDR Tracking #: M2-07-0277-01**  
**DWC #: \_\_\_\_\_**  
**Injured Employee: \_\_\_\_\_**  
**Requestor: \_\_\_\_\_**  
**Respondent: Lowes Home Centers/Downs Atandford P.C.**  
**MAXIMUS Case #: TW06-0162**

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 49-year old female who sustained a work related injury on \_\_\_\_\_. The case file records indicate that while pushing a heavy cart filled with nails and tiles, she felt her right knee pop. Diagnoses have included osteoarthritis, degenerative joint disease, grade I medial collateral ligament sprain, torn anterior collateral ligament and medial and lateral meniscus tears. Evaluation and treatment for this injury has included medications, x-rays, MRIs, physical therapy and arthroscopy and meniscoplasty, synovectomy and chondroplasty.

## Requested Services

Preauthorization for total right knee arthroplasty.

## 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 – 9/12/06
2. East Texas Medical Center Records and Correspondence – 2/20/06-7/10/06
3. ETMC Orthopaedic Institute Records 2/21/06-4/17/06
4. Diagnostic Studies (e.g., MRI, ) – 4/17/06.
5. John P. Obermiller, MD Records and Correspondence – 5/26/06, 9/21/06
6. Bunch & Associates Correspondence – 7/11/06
7. Workers Compensation Progress Report – 8/23/06-8/25/06
8. Peer Review Report – 9/1/06

## 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 the member had a work related injury on \_\_\_\_\_. The MAXIMUS physician consultant also indicated that the patient has documented evidence of degenerative joint disease and osteoarthritis of the knee. The MAXIMUS physician consultant noted that these diagnoses take a long time to develop. The MAXIMUS physician consultant explained that a total knee replacement procedure is not medically necessary to treat the \_\_\_\_\_ injury. (Campbell's Operative Orthopaedic Textbook)

Therefore, the MAXIMUS physician consultant concluded that the preauthorization request for total right knee arthroplasty is not medically necessary for treatment of the patient's \_\_\_\_\_ injury.

## **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 22nd day of November 2006.

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