

SOUTHWEST MEDICAL EXAMINATION SERVICES, INC.
7502 GREENVILLE AVENUE
SUITE 600
DALLAS, TEXAS 75231
(214) 750-6110
FAX (214) 750-5825

December 12, 2006

Re: Medical Dispute Resolution
MDR# M2-07-0384-01
DWC# _____
Injured Employee: _____
DOI: _____
SS#: _____
IRO Certificate #: IRO5313
Name of Requestor: John A. Sazy, M.D.
Name of Provider: John A. Sazy, M.D.
Reviewed by: Certified in Orthopedic Surgery

TRANSMITTED VIA FAX TO:

Medical Dispute Resolution
TDI-Division of Workers' Compensation
FAX: 512-804-4868

Dear Dr. Sazy:

In accordance with the requirements for TDI-Division of Workers' Compensation (DWC) to randomly assign cases to IROs, DWC has assigned your case to Southwest Medical Examination Services, Inc. (SMES) for an independent review. In performing this review, SMES reviewed relevant medical records, any documents provided by the parties referenced above, and documentation and written information submitted in support of the dispute.

I am an officer of Southwest Medical Examination Services, Inc., and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this case for determination prior to referral to the Independent Review Organization.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is certified in the area of orthopedic surgery, and is currently listed on the DWC Approved Doctor List.

REVIEWER'S REPORT

Information Provided for Review:

Medical records from the Requestor include:

- John A. Sazy, M.D., 01/26/06, 04/27/06, 10/05/06
- Deborah Westergaard, M.D., 05/10/04, 06/14/04
- Neurodiagnostic Associates, Inc., 05/30/03
- Duncanville Medical Center, Inc., 04/30/03, 06/09/03
- Northbrook Medical Clinic, 08/01/03
- Prime Diagnostic Imaging, 01/07/05

Medical records from the Respondent include:

- Anil T. Bangale, M.D., 02/21/06
- Forté, 05/12/06, 10/11/06, 10/12/06, 10/23/06
- Flahive, Ogden & Latson, 11/08/06, 11/15/06, 11/27/06

Medical records from the Treating Doctor include:

- Robert Murphy, D.C., 03/31/03, 04/01/03, 04/03/03, 04/17/03, 05/13/03, 05/22/03, 07/14/03
- Duncanville Medical Center, Inc., 04/30/03
- Jeff J. Rodriguez, D.C., 07/28/03, 08/05/03, 09/05/03, 09/08/03, 09/09/03, 09/10/03, 09/11/03, 09/12/03, 09/15/03, 09/16/03, 09/17/03, 09/18/03, 09/19/03, 09/20/03, 09/21/03, 09/22/03, 09/23/03, 09/24/03, 09/25/03, 09/26/03, 09/29/03, 09/30/03, 10/01/03, 10/02/03, 10/03/03, 10/06/03, 10/07/03, 10/08/03, 10/09/03, 10/10/03, 10/13/03, 10/14/03, 10/15/03, 10/16/03, 10/17/03, 10/20/03, 10/21/03, 10/22/03, 10/23/03, 10/24/03, 10/27/03, 10/28/03, 10/29/03, 10/30/03, 10/31/03, 11/03/03, 11/04/03, 11/05/03, 11/06/03, 11/07/03, 11/10/03, 11/11/03, 11/12/03, 11/13/03, 11/14/03, 11/17/03, 11/18/03, 11/19/03, 11/20/03, 11/21/03, 11/22/03, 11/23/03, 11/24/03, 11/25/03, 11/26/03, 11/27/03, 11/28/03, 12/01/03, 12/02/03, 12/03/03, 12/04/03, 12/05/03, 12/08/03, 12/09/03, 12/10/03, 12/11/03, 12/12/03, 12/15/03, 12/16/03, 12/17/03, 12/18/03, 12/19/03, 12/22/03, 12/23/03, 12/24/03, 12/25/03, 12/26/03, 12/29/03, 12/30/03, 12/31/03, 01/01/04, 01/02/04, 01/05/04, 01/06/04, 01/07/04, 01/08/04, 01/09/04, 01/12/04, 01/13/04, 01/14/04, 01/15/04, 01/16/04, 01/19/04, 01/20/04, 01/21/04, 01/22/04, 01/23/04, 01/26/04, 01/27/04, 01/28/04, 01/29/04, 01/30/04, 02/02/04, 02/03/04, 02/04/04, 02/05/04, 02/06/04, 02/09/04, 02/10/04, 02/11/04, 02/12/04, 02/13/04, 02/16/04, 02/17/04, 02/18/04, 02/19/04, 02/20/04, 02/23/04, 02/24/04, 02/25/04, 02/26/04, 02/27/04, 03/01/04, 03/02/04,

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04/23/04, 04/26/04, 05/17/04, 06/18/04, 09/16/05, 01/26/06, 02/16/06
- Margit M. Winstrom, M.D., 08/01/03
 - Northbrook Medical Clinic, 08/06/03, 08/22/03, 09/05/03, 09/19/03
 - Paul A. Vaughn, M.D., 08/19/03, 08/20/03, 10/23/03, 08/12/04, 02/10/05, 05/24/05
 - Semyon Narosov, M.S.P.T., 09/10/03, 09/24/03, 10/15/03, 11/05/03, 11/26/03, 01/07/04,
01/21/04, 02/04/04, 04/07/04, 04/21/04
 - Deborah Westergaard, M.D., 02/18/04, 03/20/04, 05/10/04, 06/14/04, 02/24/05
 - Mark A. Doyne, M.D., 04/05/04, 05/17/04
 - Manit Kantipong, M.D., 05/04/04
 - Robert B. Honigsfeld, D.C., 05/07/04
 - Charles R. Crane, M.D., 08/21/04
 - Anil T. Bangale, M.D., 01/13/05, 02/21/06
 - Leonor Gonzalez, L.C.S.W., 06/20/05, 06/21/05, 06/22/05, 06/23/05, 06/24/05, 06/27/05,
06/28/05, 06/29/05, 06/30/05, 07/01/05, 07/07/05, 07/08/05, 07/11/05, 07/12/05,
07/13/05, 07/14/05, 07/15/05, 07/18/05, 07/19/05, 07/20/05, 07/22/05, 07/25/05,
07/26/05, 07/27/05, 09/09/05
 - John A. Sazy, M.D., 01/26/06, 10/05/06
 - Forté, 05/12/06, 10/11/06, 10/12/06, 10/23/06
 - Neurodiagnostic Associates, Inc., 05/30/03
 - Duncanville Medical Center, Inc., 06/09/03
 - Prime Diagnostic Imaging, 01/07/05
 - Jose F. Grazette, C.E.T., 10/20/03
 - John Pispidikis, M.A., 06/03/05

Clinical History:

The patient is a 50-year-old male who has an accepted work-related injury to his lower back on ____, while working as a landscaper. He is presently being evaluated by John Sazy, M.D., a spinal surgeon, who recommends surgical fusion L4 to S1 due to what Dr. Sazy describes as back pain and some leg pain in association with a “recent MRI” that suggests residual or recurrent disc herniation. Dr. Sazy’s evaluation of January 26, 2006 noted that the patient was capable of bending forward 90 degrees at the waist and extending 20 degrees from the lumbosacral area. No specific neuromuscular sensory deficit was noted and no radiculopathy findings were identified in his physical examination of that date. Dr. Sazy’s review of the MRI study noted multilevel disc bulges at L2, L3, and L4, with evidence of prior laminectomy and partial discectomy at L5-S1 in association with disc space narrowing at that level. The radiology

reports of August 1, 2003 and January 7, 2005 describe multilevel spondylosis and degenerative change. A CT myelogram study of August 1, 2003 noted a 4 mm posterior central disc protrusion at L4 as well. There has been no radiology report or description in Dr. Sazy's notes identified in this review of instability in the lumbar spine noted on flexion/extension lateral views, nor is there a description of prior lumbar spine fracture that creates instability.

Disputed Services:

Transforaminal lateral interbody fusion L4-S1 and instrumentation with 2-5 day length of stay.

Decision:

It is my opinion that transforaminal lateral interbody fusion in association with instrumentation, L4 to S1, is not justified in terms of standard of care in this injured worker.

Rationale:

Surgical decompression in association with radiculopathy is standard of care for individuals with low back and radicular pain, if the radiculopathy findings are progressive and not static and not amenable to conservative medical management. That does not appear to be the case with this injured worker. No positive radiculopathy findings are present.

The percentage of improvement with surgical fusions in the presence of injured workers is approximately 30% in association with 17% complication rate. Therefore, it is hard to justify surgical fusions in this scenario based upon the likelihood of improvement with such a significant complication rate.

In general, surgical fusion procedures have not been shown to be effective in the absence of instability, as reviewed by records described and particularly Dr. Sazy's note. It is my opinion that there is no indication for this procedure. Refer to ODG Low Back, page 814 and 815, which provides multiple sources to this opinion.

This review was conducted on the basis of medical and administrative records provided with the assumption that the material is true and correct.

This decision by the reviewing physician with Southwest Medical Examination Services, Inc. is deemed to be a Commission decision and order.

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YOUR RIGHT TO REQUEST A HEARING

If you are unhappy with this decision, you may seek judicial review of the decision. (Texas Labor Code, 413.031k) To seek such an appeal, a petition for judicial review must be filed with the Travis County District Clerk's Office in Austin, Texas not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. (Subchapter G, Chapter 2001, of the Texas Government Code) Neither the Department of Insurance nor the Division of Workers' Compensation is considered a party to the medical dispute in a judicial review. You may wish to consult with an attorney of your choice to assist you in filing an appeal. The Division of Workers' Compensation cannot assist or provide legal advice to you in this matter."

In accordance with Commission Rule 102.4(b), I hereby certify that a copy of this Independent Review Organization (IRO) decision was sent to the carrier and the requestor and claimant via facsimile or US Postal Service from the office of the IRO on this 12th day of December 2006.

Sincerely,

Thomas P. Anderson
Southwest Medical Examination Services, Inc.