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

November 6, 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: M2-07-0119-01
RE: Independent review for ___

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

- Parker Healthcare Management received notification of independent review on 10.6.06.
- Faxed request for provider records made on 10.6.06.
- The case was assigned to a reviewer on 10.23.06.
- The reviewer rendered a determination on 11.3.06.
- The Notice of Determination was sent on 11.6.06.

The findings of the independent review are as follows:

Questions for Review

Medical necessity of proposed anterior discectomy C6-7, anterior plate, cage, pain catheter, ACDF C6-7, bone graft, bone stimulator

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 with .

Clinical Rationale

The EMG/NCV did not show any dermatomal deficit in the upper extremity. Dr. Bindal noted a functional overlay. Dr. Ciepeila noted multiple positive Waddell signs. Dr. Ali placed him at MMI/PPI on 1.10.06. There was no imaging study finding to validate the basis for both upper extremity symptoms. The imaging study does not show significant neuroforamen entrapment of the C7 nerve root or of the spinal canal.

Thus, the necessity to decompress and fuse the C6-7 plus the use of a bone growth stimulator is not validated.

Clinical Criteria, Utilization Guidelines or other material referenced

1) *Official Disability Guidelines*
2) *Spine 2 Orthopedic Knowledge Update;* American Academy of Orthopedic Surgeon

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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 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 applicable to Commission Rule 102.5 this 6th day of November, 2006.

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Meredith Thomas
Administrator
Parker Healthcare Management Organization, Inc.

CC: Kenneth Berliner, M.D.

Texas Mutual
Attn: Latrice Giles