

February 5, 2003

## NOTICE OF INDEPENDENT REVIEW DECISION

**RE: MDR Tracking #: M2-03-0433-01**

\_\_\_ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). \_\_\_ IRO Certificate Number is 5348. Texas Worker's Compensation Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to \_\_\_ for independent review in accordance with this Rule.

\_\_\_ 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 on \_\_\_ external review panel. This physician is board certified in neurology. \_\_\_ physician reviewer signed a statement certifying that no known conflicts of interest exist between this physician and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to \_\_\_ for independent review. In addition, \_\_\_ 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 female who sustained a work related injury on \_\_\_ to her back. The patient has undergone an MRI that showed disc bulging and desiccation at L4-L5 and L5-S1. The diagnoses for this patient include lumbar radiculopathy, lumbar disc disease, myofascial pain, and lumbago. The patient has been treated with transforaminal epidural steroid injections. The patient has also undergone an EMG and discogram with CT scan.

### Requested Services

Purchase of neuromuscular stimulator.

### Decision

The Carrier's denial of authorization and coverage for the requested services is upheld.

### Rationale/Basis for Decision

\_\_\_ physician reviewer indicated that the patient sustained a work related injury on \_\_\_. \_\_\_ physician reviewer also indicated that the patient had failed treatment with medication. \_\_\_ physician reviewer further indicated that a 2 level fusion was proposed and was to be performed in October of 2002. \_\_\_ physician reviewer noted that the patient did not undergo surgery in October of 2002. \_\_\_ physician reviewer also noted that a neuromuscular stimulator was prescribed. \_\_\_ physician reviewer explained that there is no clear evidence that neuromuscular stimulator offers benefit over a standard TENS unit. Therefore, \_\_\_ physician consultant concluded that a neuromuscular stimulator is not medically necessary to treat this patient's condition at this time.

This decision is deemed to be a TWCC Decision and Order.

### **YOUR RIGHT TO REQUEST A HEARING**

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

**If disputing a spinal surgery prospective decision** a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10 (ten)** days of your receipt of this decision. (20 Tex. Admin. Code 142.5(c)).

**If disputing other prospective medical necessity (preauthorization) decisions** a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20 (twenty)** days of your receipt of this decision. (28 Tex. Admin. Code 148.3).

This decision is deemed received by you 5 (five) days after it was mailed. (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings  
Texas Workers' Compensation Commission  
P.O. Box 40669  
Austin, TX 78704-0012

### **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute. (Commission Rule 133.308(t)(2)).

Sincerely,

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 5<sup>th</sup> day of February 2003.