

NOTICE OF INDEPENDENT REVIEW DETERMINATION

MDR Tracking Number: M2-03-1725-01

September 8, 2003

An independent review of the above-referenced case has been completed by a doctor board certified in family practice. The appropriateness of setting and medical necessity of proposed or rendered services is determined by the application of medical screening criteria published by ____, or by the application of medical screening criteria and protocols formally established by practicing physicians. All available clinical information, the medical necessity guidelines and the special circumstances of said case was considered in making the determination.

The independent review determination and reasons for the determination, including the clinical basis for the determination, is as follows:

See Attached Physician Determination

___ hereby certifies that the reviewing physician is on Texas Workers' Compensation Commission Approved Doctor List (ADL). Additionally, said physician has certified that no known conflicts of interest exist between him and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for determination prior to referral to ___.

Sincerely,

CLINICAL HISTORY

___ sustained a work related shoulder injury on ____. He failed conservative treatment and had surgery on 10/8/02. He continued to complain of symptoms and had a subsequent surgery on 3/25/03. Request to purchase an inferential muscle stimulator was denied by ___ on 6/25/03.

REQUESTED SERVICE(S)

Purchase of an inferential muscle stimulator.

DECISION

Uphold denial for purchase of requested device.

RATIONALE/BASIS FOR DECISION

A prescription for the muscle stimulator written on 4/11/03 requests the device for two months and one on 6/11/03 requests the appliance for indefinite use. Patient rating scales for 4/10/03 and 4/18/03 note worsening on almost all parameters

but patient notes 'moderate improvement' with the stimulator. In addition, two letters from ___ are submitted and both are dated 5/19/03. One notes good results with the muscle stimulator, the other states excellent results. However, this improvement is not documented in the office notes. Therefore, because of the inconsistencies regarding the effectiveness of the device for this patient and the lack of peer review articles, legitimate research, or accepted double blind-placebo studies pertaining to the effectiveness of this device after shoulder surgery the denial is upheld.

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) calendar days of your receipt of this decision (20 Tex. Admin. Code 142.5©).

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) calendar 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 or the date of fax (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings/Appeals Clerk
Texas Workers' Compensation Commission
P.O. Box 17787
Austin, Texas 78744

Or fax the request to (512) 804-4011. A copy of this decision must be attached to the request.

The party appealing the decision shall deliver a copy of its written request for a hearing to the opposing party involved in the dispute.

In accordance with Commission Rule 102.4(h), 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 9th day of September 2003.