

NOTICE OF INDEPENDENT REVIEW DECISION

Date: October 6, 2003

RE: MDR Tracking #: M2-03-1809-01
IRO Certificate #: 5242

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by an Orthopedic Surgeon physician reviewer who is board certified in Orthopedic Surgery and has ADL certification. The Orthopedic Surgeon physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

The claimant allegedly sustained a work injury in a slip and fall accident at work on ___, sustained injury of the lower back. He now has a history of chronic low back pain.

Requested Service(s)

Purchase of interferential muscle stimulator.

Decision

I agree with the insurance carrier that the requested purchase of durable medical equipment is not medically necessary.

Rationale/Basis for Decision

Generally long term use of stimulators is appropriate when there has been at least a two month trial to determine effectiveness and significantly increase in range of motion, decrease in the use of pain medication, increasing functional capacity, and decrease in the need for the use of other medical services. Prior to initiating the use of the stimulator, the physician should document current range of motion, current use of pain medication and current activities the injured worker is able to perform. Prior to any extension of the use these objective factors should be measured

again. Furthermore, there should be an explanation as to why long term use is needed. Most pain syndromes diminish over 3-4 months and long term use is neither cost effective nor medically necessary. Upon review of all documentation provided, there is no record of a clinical trial to determine the effectiveness of the stimulator insignificantly altering the natural history of the claimant's chronic pain syndrome. There is no clinical rationale provided to explain why the use of conventional physical therapy modalities such as ice and heat and home exercise program would be any less effective than the purchase of the requested durable medical equipment. Due to inadequate documentation, the requested durable medical equipment is not deemed to be reasonable or medically necessary at this time.

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 (28 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) calendar days of your receipt of this decision (28 Tex. Admin. Code 142.5(c)).

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.5(d)). A request for a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings / Appeals Clerk
P.O. Box 17787
Austin, Texas 78744
Fax: 512-804-4011

The party appealing this decision shall deliver a copy of its written request for a hearing to other party involved in this 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 patient, the requestor, the insurance carrier, and TWCC via facsimile or U.S. Postal Service from the office of the IRO on this 6th day of October 2003.