

November 3, 2003

Re: MDR #: M2-04-0044-01
IRO Certificate No.: 5055

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ___ for an independent review. ___ has performed an independent review of the medical records to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Certified in Anesthesiology and Pain Medicine.

Clinical History:

This now 60-year-old male claimant sustained a spinal injury on ____. He underwent exploration of hardware with removal and re-instrumentation on 09/18/02. At the time of surgery he was found to have a non-union at C3-C4 and C6-C7. He has received cervical facet injections with local anesthetic and steroids with continued relief. The patient requires significant narcotic and other support medications, namely OxyContin 40 mg t.i.d., Zanaflex 16-32 mg daily, hydrocodone 40 mg a day, and Elavil 50 mg a day.

Documentation indicates that the patient experiences increased muscle strength when using the muscle stimulator, and is able to intensify his physical activities. He has also decreased his pain medications.

Disputed Services:

Purchase of an RS4i sequential stimulator 4 channel combination interferential and muscle stimulator unit.

Decision:

The reviewer disagrees with the determination of the insurance carrier and is of the opinion that the muscle stimulator is medically necessary in this case.

Rationale:

There is limited downside of the use of this device. The patient requires significant narcotic and other support medications as listed above. Significant improvement is documented with the use of the equipment. Also, both the patient's spinal surgeon and his pain medicine specialist are of the opinion that the patient would benefit with the continued use of the muscle stimulator.

I am the Secretary and General Counsel of ___ 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 care for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by ___ is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this 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 ten (10) days** of your receipt of this decision (28 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 twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) 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, MS-48
7551 Metro Center Dr., Ste. 100
Austin, TX 78744-1609

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.

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 November 3, 2003

Sincerely,