

October 17, 2003

## NOTICE OF INDEPENDENT REVIEW DECISION

**RE: MDR Tracking #: M2-04-0058-01**

\_\_\_ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The \_\_\_ 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 the \_\_\_ external review panel. The reviewer has met the requirements for the ADL of TWCC or has been approved as an exception to the ADL requirement. This physician is board certified in neurosurgery. The \_\_\_ 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, the \_\_\_ physician reviewer certified that the review was performed without bias for or against any party in this case.

### Clinical History

This case concerns a 53 year-old female who sustained a work related injury on \_\_\_. The patient reported that while at work she fell injuring her neck and low back. Initial diagnoses for this patient's condition included cervical HNP at C6-C7 with spondylosis at C5-C6 and C6-C7, and lumbar HNP at L5-S1 with disc disruption syndrome at L4-L5 with lower extremity radiculopathy. The present diagnoses for this patient include backache NOS and lumbosacral neuritis. The patient has undergone an anterior cervical discectomy and fusion with plating C5-C7 on 7/21/01. On 12/10/01 the patient underwent a S1 inter-body fusion with cage and posterolateral fusion with cages with Steffee instrumentation. Treatment for this patient's condition has included oral pain medications and an RS4i neuromuscular stimulator.

### Requested Services

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

### Decision

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

### Rationale/Basis for Decision

The \_\_\_ physician reviewer noted that this case concerns a 53 year-old female who sustained a work related injury to her low back on \_\_\_. The \_\_\_ physician reviewer also noted that the diagnoses for this patient have included herniated nucleus propulsus at C6-C7 with spondylosis at C5-C6 and C6-C7, lumbar HNP at L5-S1 with disc disruption syndrome at L4-L5 with lower

extremity radiculopathy, backache NOS and lumbosacral neuritis. The \_\_\_ physician reviewer also noted that on 12/10/01 the patient underwent a S1 interbody fusion with cage and posterolateral fusion with cages with Steffee instrumentation and has been treated with oral pain medications and an RS4i neuromuscular stimulator. The \_\_\_ physician reviewer explained that there is no clear indication of the efficacy of the RS4i neuromuscular stimulator. The \_\_\_ physician reviewer also explained that there have been no prospective blinded trials performed for this device. Therefore, the \_\_\_ physician consultant concluded that the requested purchase of an RS4i sequential stimulator 4 channel combination interferential & muscle stimulator unit 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/Appeals Clerk  
P.O. Box 17787  
Austin, TX 78744  
Fax: 512-804-4011

**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 17<sup>th</sup> day of October 2003.