

## NOTICE OF INDEPENDENT REVIEW DECISION

**Date:** October 20, 2003

**RE: MDR Tracking #:** M2-04-0080-01  
**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 an ADL Level 2. 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 has a history of neck pain, low back pain allegedly related to a work compensable injury that occurred on \_\_\_.

### **Requested Service(s)**

Purchase of interferential/muscle stimulator unit.

### **Decision**

I agree with the insurance carrier that the requested 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 significant increase in range of motion, decrease in the use of pain medications, and increase in functional capacity. Prior to initiating the use of the stimulator the physician should document current range of motion, the 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. Upon review of all medical records available, there is no documentation of a successful trial of the requested durable medical equipment. To the contrary, a clinic note dated 06/23/03 indicates continued neck pain, back pain as well as headaches, memory loss and some disorientation” despite the use of the requested durable medical equipment. Due to a lack of documentation of successful trial of durable medical equipment and lack of an explanation as to why long term use is needed, the requested

intervention is not deemed to be medically necessary. Most pain syndromes diminish over 3-4 months and long-term use of the requested durable medical equipment is neither cost effective nor medically necessary. There is no clearly documented clinical rationale to indicate why conventional physical therapy modalities such as ice and heat would be any less effective than the requested durable medical equipment.

**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.