

November 26, 2003

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-04-0355-01

___ 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 neurology. 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 38 year-old male who sustained a work related injury on ___. The patient was initially diagnosed with a lumbar sprain/strain. The patient underwent a lumbar MRI on 10/13/00 that showed no findings and another MRI dated 5/24/01 showed mild to moderate posterolateral disc herniation on the right at T8-T9. The patient was treated with chiropractic care and epidural steroid injections. On 5/2/02 the patient underwent a posterior transpedicle microdiscectomy on the right at T8-T9 and T9-T10. Postoperatively the patient complained of pain around the surgical site and was treated with epidural steroid injection on 12/2/02. On 12/18/02 the patient underwent a CT scan of the thoracic spine that showed post surgical changes at T9-T10 on the right. The patient has been further treated with an RS4i sequential stimulator to decrease back pain and muscle spasms.

Requested Services

Purchase Interferential Muscle Stimulator.

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 38 year-old male who sustained a work related injury to his back on ___. The ___ physician reviewer also noted that an MRI dated 5/24/01 showed mild to moderated posterolateral disc herniation on the right at T8-T9. The ___ physician reviewer indicated that the patient was treated with chiropractic care and steroid injections.

The ___ physician reviewer noted that the patient underwent a posterior transpedicle microdiscectomy on the right at T8-T9 and T9-T10 on 5/2/02. The ___ physician reviewer also noted that postoperatively the patient was treated with epidural steroid injections and a RS4i sequential stimulator for back pain and muscle spasms. The ___ physician reviewer explained that there are no controlled studies showing long-term efficacy of neuromuscular electrical stimulation for chronic back pain. Therefore, the ___ physician consultant concluded that the requested purchase of a Interferential Muscle Stimulator 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 26th day of November 2003.