

NOTICE OF INDEPENDENT REVIEW DECISION

Date: December 3, 2003

RE: MDR Tracking #: M2-04-0375-01
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 chronic right upper extremity pain allegedly related to a work compensable injury of ___.

Requested Service(s)

Purchase of interferential and 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 significantly increasing objective measurement of range of motion, decrease in the use of pain medication and increasing functional capacity with a decrease in the need for other use of 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. On review of treatment plan on the ___ prescription dated 06/24/03 the indications include prevention of disuse atrophy and maintenance or increasing range of motion.

There is no documentation however, of muscle circumference, muscle strength or range of motion at the time of the prescription or subsequently after the use of the device to clearly indicate improvement related to the use of the durable medical equipment. Controlled studies indicate interferential stimulation and TENS have no significant effect on nociceptive response (ARCH Phys. Med Rehabil. 2000 MAR 81 (3): 324-33).

YOUR RIGHT TO REQUEST A HEARING

Either party to 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) 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.