

## NOTICE OF INDEPENDENT REVIEW DECISION

**Date:** December 19, 2003

**RE: MDR Tracking #:** M2-04-0460-01  
**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 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 back pain allegedly related to a compensable work injury of \_\_\_.

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

Purchase of RS4i sequential stimulator

### **Decision**

I agree with the insurance carrier that the requested durable medical equipment is not medically necessary.

### **Rationale/Basis for Decision**

Prior to initiating the use of a stimulator, the physician should document objectively current range of motion, current use of pain medication, and current activities the claimant is able to perform. Prior to any extensive of the use, these objective factors should be measured again. Long term use of stimulators is appropriate when there has been a trial to determine the effectiveness in significantly increasing range of motion, decrease in use of pain medication and increase in functional capacity. Upon review of all clinical documentation provided, there is no documentation of a successful clinical trial of the RS4i sequential stimulator. A prescription dated 9/17/03 indicates under treatment plan that the device will maintain or increase range of motion. From the same prescription, there is documentation of increase in range of motion under patient progress.

However, there are no objective measurements of range of motion prior onset of the use of the durable medical equipment nor is there any documentation of specific range of motion of the lumbar spine documented after the use of the device to clearly indicate a successful clinical trial.

### **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.