

## NOTICE OF INDEPENDENT REVIEW DETERMINATION

MDR Tracking Number: M2-04-0477-01  
IRO Certificate No.: 5259

January 13, 2004

An independent review of the above-referenced case has been completed by a medical physician board certified in family practice. The appropriateness of setting and medical necessity of proposed or rendered services is determined by the application of medical screening criteria published by \_\_\_\_, or by the application of medical screening criteria and protocols formally established by practicing physicians. All available clinical information, the medical necessity guidelines and the special circumstances of said case was considered in making the determination.

The independent review determination and reasons for the determination, including the clinical basis for the determination, is as follows:

See Attached Physician Determination

\_\_\_ hereby certifies that the reviewing physician is on Texas Workers' Compensation Commission Approved Doctor List (ADL). Additionally, said physician has certified that no known conflicts of interest exist between him and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for determination prior to referral to \_\_\_.

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### CLINICAL HISTORY

\_\_\_ sustained a work related shoulder injury on \_\_\_\_. Apparently, she was treated with medications and injections although clinical records concerning these treatments were not submitted. She underwent arthroscopy on 5/22/03 and subsequently was treated with an interferential muscle stimulator.

### REQUESTED SERVICE(S)

Purchase of an interferential muscle stimulator.

### DECISION

Uphold prior denial.

## RATIONALE/BASIS FOR DECISION

This type of device is used as an adjunctive therapy during the acute phase of treatment. No generally accepted literature or guidelines support the use of a muscle stimulator for chronic pain or post-surgical patients. This viewpoint is supported by the N.A.S.S., CMS, and the Philadelphia Panel Study. Furthermore, no documentation is submitted to substantiate clinical improvement, decreased medication usage (such as pharmacy or refill logs), or increased functional status. No documentation is noted for a home exercise therapy or physical therapy. For these reasons, the purchase of this device is denied.

### **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) calendar days of your receipt of this decision (20 Tex. Admin. Code 142.5©).

**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 148.3).

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing and a **copy of this decision** must be sent to:

Chief Clerk of Proceedings/Appeals Clerk  
Texas Workers' Compensation Commission  
P.O. Box 17787  
Austin, Texas 78744

Or fax the request to (512) 804-4011. A copy of this decision must be attached to the request.

The party appealing the decision shall deliver a copy of its written request for a hearing to the opposing party involved in the dispute.

In accordance with Commission Rule 102.4(h), 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 14<sup>th</sup> day of January 2004.