

January 30, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

MDR Tracking #: M2-04-0504-01

___ 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 neurosurgery. 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 22 year-old male who sustained a work related injury on ___. The patient reported that while at work he injured his back and left scapular area. Initially the patient underwent X-Rays and was begun on physical therapy that consisted of hot packs, ultrasound, electrical stimulation and a TENS unit. The patient then underwent a series of three epidural steroid injections in the cervical spine and one in the low back. An MRI of the thoracic spine and left shoulder dated 11/6/00 was reported as normal thoracic spine and a small amount of joint effusion as well as increased signal in anterior glenoid labrum suspicious for a type III anterior labral tear of the left shoulder. NCV dated 9/7/00 revealed very mild left carpal tunnel syndrome. A MRI of the cervical spine dated 6/18/01 showed central bulges at C4-5, C5-6 and C6-7. The diagnoses for this patient have included left C7 radiculopathy by exam, possible type III anterior labral tear left shoulder, and chronic pain syndrome.

Requested Services

Purchase of a TENS unit

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 22 year-old male who sustained a work related injury to his back and left scapular area on ___. The ___ physician reviewer also noted that diagnoses for this patient have included left C7 radiculopathy by exam, possible type III anterior labral tear left shoulder, and chronic pain syndrome.

The ___ physician reviewer further noted that treatment of this patient's condition has included physical therapy that consisted of hot packs, ultrasound, electrical stimulation and a TENS unit. The ___ physician reviewer explained that the documentation provided does not demonstrate that the patient had been tried on a course of treatment with a TENS unit. The ___ physician reviewer also explained that there is no medical role in treating this patient's condition with a TENS unit. Therefore, the ___ physician consultant concluded that the requested purchase of a TENS unit 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 30th day of January 2004.