

MDR Tracking Number: M2-04-1309-01
IRO Certificate # 5259

May 25, 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 ___.

CLINICAL HISTORY

85 pages of records were submitted for review including insurance correspondence, pharmacy records, prescriptions for muscle stimulator with patient usage logs, and physician progress notes. There was some duplication of records.

Apparently this patient had a work-related back injury on ____. She was treated with medications, a muscle stimulator, physical therapy and a PLIF surgery. An initial prescription for an interferential muscle stimulator was written on 10/3/02 and then on 12/8/03. A request for purchase is dated 2/3/04. Physician progress notes were primarily for 2003.

REQUESTED SERVICE (S)

Purchase of an interferential muscle stimulator

DECISION

Denied.

RATIONALE/BASIS FOR DECISION

This type of device is generally used as an adjunctive therapy in the acute phase of treatment; not for chronic pain patients. This view is standard of care and supported by accepted guidelines and peer-review literature. No extraordinary circumstances are reflected in the records to substantiate the use of this device on a long-term basis. In fact, the muscle stimulator patient usage log shows decreasing compliance over time and the pharmacy refills reflect no significant change in medication usage. Therefore, the prior denial is justified and upheld.

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 27th day of May 2004.