

July 9, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-04-1452-01
IRO Certificate #: 5348

___ 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 neurology and is familiar with the condition and treatment options at issue in this appeal. 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 female who sustained a work related injury on ___. The patient reported that while at work she injured her back when she attempted to help a co-worker lift a resident. The diagnoses for this patient's condition have included lumbago and spasm of muscle. An EMG study performed on 6/20/03 indicated entrapment of the peroneal nerve at the knee bilaterally and chronic L5/S1 radiculopathy on the right. The patient underwent a MRI that was reported to have shown evidence of large disc herniations at L4-L5 and L5-S1. Treatment for this patient's condition has included physical therapy, hot packs, work hardening, behavioral pain management and medications. An RS4i sequential stimulator has been recommended for further treatment of this patient's condition to decrease lumbar pain and muscle spasm.

Requested Services

Purchase of an RS4i sequential stimulator 4 channel combination interferential and muscle stimulator unit.

Documents and/or information used by the reviewer to reach a decision:

Documents Submitted by Requestor:

1. ___ Prescription 2/5/04 – 4/8/04
2. Letter of Medical Necessity 3/18/04 and 4/8/04

Documents Submitted by Respondent:

1. EMG report 6/20/03
2. Orthopedic evaluation 6/13/03
3. Work Hardening notes 3/31/03 – 4/23/03

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 female who sustained a work related injury to her back on ___. The ___ physician reviewer indicated that this patient had a work related back injury with radiculopathy. The ___ physician reviewer noted that an MRI showed herniated nucleus pulposus at the L4-5 and L5-S1 and that an EMG was abnormal. The ___ physician reviewer explained that the patient had not responded to conservative care and that an RS4i sequential stimulator was tried. The ___ physician reviewer indicated that the purchase of an RS4i sequential stimulator has been requested for continued treatment of this patient's condition. The ___ physician reviewer explained that one evaluating physician has suggested surgery. The ___ physician reviewer also explained that there have been no documented good controlled trials of the RS4i sequential stimulator to demonstrate the efficacy of this type of stimulator for the treatment of chronic pain. Therefore, the ___ physician consultant concluded that the requested purchase of an RS4i sequential stimulator 4 channel combination interferential and muscle stimulator 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 9th day of July 2004.